



Iowa General Assembly
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Senate Amendment 3352

PAG LIN

1 1 Amend the amendment, S=3299, to House File 590,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 2, line 5, by striking <Four> and inserting
1 5 <Six>
1 6 #2. Page 2, line 32, after <Seven> by inserting
1 7 <voting>
1 8 #3. Page 2, by striking lines 33 through 37 and
1 9 inserting <a quorum.>
1 10 #4. Page 2, line 39, by striking <appointed members>
1 11 and inserting <quorum described in paragraph "a">
1 12 #5. Page 3, before line 32 by inserting:
1 13 <____. Page 12, before line 7 by inserting:
1 14 <(5) A contract executed pursuant to this paragraph
1 15 "d" shall be drafted and executed with the assistance
1 16 and advice of the attorney general. >>
1 17 #6. Page 3, line 43, after <corporation's> by
1 18 inserting <current fiscal year and its>
1 19 #7. Page 9, line 38, by striking <September 30> and
1 20 inserting <December 1>
1 21 #8. Page 10, after line 3 by inserting:
1 22 <____. Page 20, after line 30 by inserting:
1 23 <Sec. _____. ECONOMIC DEVELOPMENT AUTHORITY BOARD ==
1 24 TRANSITION PROVISION. Notwithstanding any provision
1 25 of section 15.105, as amended by this Act, to the
1 26 contrary, the initial board of the economic development
1 27 authority shall consist of the members of the Iowa
1 28 economic development board serving on the effective
1 29 date of this Act. Said board members shall serve
1 30 as members and fulfill the duties of the economic
1 31 development authority board as created by this Act
1 32 until such time as members of the economic development
1 33 authority board are appointed as provided by section
1 34 15.105, as amended by this Act. >>
1 35 #9. Page 10, before line 5 by inserting:
1 36 <____. Page 26, line 2, after <purposes.> by
1 37 inserting <The board, as defined by section 15.102,
1 38 may allocate an amount of repayments and recaptures
1 39 for purposes of financial assistance or administrative
1 40 costs of the economic development authority.>>
1 41 #10. Page 10, after line 10 by inserting:
1 42 <____. Page 36, after line 11 by inserting:
1 43 <DIVISION VI
1 44 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
1 45 APPLICABILITY
1 46 Sec. _____. EFFECTIVE DATE AND RETROACTIVE
1 47 APPLICABILITY. Unless otherwise provided, this Act,
1 48 if approved by the governor on or after July 1, 2011,
1 49 takes effect upon enactment and applies retroactively
1 50 to July 1, 2011. >>



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2 1 #11. By renumbering as necessary.

STEVEN SODDERS
S3299.3340 (3) 84
ec/sc



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1 1 Amend the amendment, S=3233, to Senate File 510, as
1 2 passed by the Senate, as follows:
1 3 #1. By striking page 1, line 7, through page 28,
1 4 line 10, and inserting:
1 5 <Section 1. DEPARTMENT OF JUSTICE.
1 6 1. There is appropriated from the general fund
1 7 of the state to the department of justice for the
1 8 fiscal year beginning July 1, 2011, and ending June 30,
1 9 2012, the following amounts, or so much thereof as is
1 10 necessary, to be used for the purposes designated:
1 11 a. For the general office of attorney general for
1 12 salaries, support, maintenance, and miscellaneous
1 13 purposes, including the prosecuting attorneys training
1 14 program, matching funds for federal violence against
1 15 women grant programs, victim assistance grants, office
1 16 of drug control policy prosecuting attorney program,
1 17 and odometer fraud enforcement, and for not more than
1 18 the following full-time equivalent positions:
1 19 \$ 7,942,930
1 20 FTEs 212.00
1 21 It is the intent of the general assembly that as
1 22 a condition of receiving the appropriation provided
1 23 in this lettered paragraph, the department of justice
1 24 shall maintain a record of the estimated time incurred
1 25 representing each agency or department.
1 26 b. For victim assistance grants:
1 27 \$ 2,876,400
1 28 The funds appropriated in this lettered paragraph
1 29 shall be used to provide grants to care providers
1 30 providing services to crime victims of domestic abuse
1 31 or to crime victims of rape and sexual assault.
1 32 The balance of the victim compensation fund
1 33 established in section 915.94 may be used to provide
1 34 salary and support of not more than 24 FTEs and
1 35 to provide maintenance for the victim compensation
1 36 functions of the department of justice.
1 37 The department of justice shall transfer at least
1 38 \$150,000 from the victim compensation fund established
1 39 in section 915.94 to the victim assistance grant
1 40 program.
1 41 c. For legal services for persons in poverty grants
1 42 as provided in section 13.34:
1 43 \$ 1,814,831
1 44 2. a. The department of justice, in submitting
1 45 budget estimates for the fiscal year commencing July
1 46 1, 2012, pursuant to section 8.23, shall include a
1 47 report of funding from sources other than amounts
1 48 appropriated directly from the general fund of the
1 49 state to the department of justice or to the office of
1 50 consumer advocate. These funding sources shall include



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2 1 but are not limited to reimbursements from other state
2 2 agencies, commissions, boards, or similar entities, and
2 3 reimbursements from special funds or internal accounts
2 4 within the department of justice. The department of
2 5 justice shall also report actual reimbursements for the
2 6 fiscal year commencing July 1, 2010, and actual and
2 7 expected reimbursements for the fiscal year commencing
2 8 July 1, 2011.

2 9 b. The department of justice shall include the
2 10 report required under paragraph "a", as well as
2 11 information regarding any revisions occurring as a
2 12 result of reimbursements actually received or expected
2 13 at a later date, in a report to the co=chairpersons
2 14 and ranking members of the joint appropriations
2 15 subcommittee on the justice system and the legislative
2 16 services agency. The department of justice shall
2 17 submit the report on or before January 15, 2012.

2 18 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 19 appropriated from the department of commerce revolving
2 20 fund created in section 546.12 to the office of
2 21 consumer advocate of the department of justice for the
2 22 fiscal year beginning July 1, 2011, and ending June 30,
2 23 2012, the following amount, or so much thereof as is
2 24 necessary, to be used for the purposes designated:

2 25 For salaries, support, maintenance, miscellaneous
2 26 purposes, and for not more than the following full=time
2 27 equivalent positions:

2 28	\$	3,336,344
2 29	FTEs	22.00

2 30 Sec. 3. DEPARTMENT OF CORRECTIONS ==== FACILITIES.

2 31 1. There is appropriated from the general fund of
2 32 the state to the department of corrections for the
2 33 fiscal year beginning July 1, 2011, and ending June
2 34 30, 2012, the following amounts, or so much thereof as
2 35 is necessary, to be used for the operation of adult
2 36 correctional institutions, reimbursement of counties
2 37 for certain confinement costs, and federal prison
2 38 reimbursement, to be allocated as follows:

2 39 a. For the operation of the Fort Madison
2 40 correctional facility, including salaries, support,
2 41 maintenance, and miscellaneous purposes:

2 42	\$	41,188,445
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2 43 b. For the operation of the Anamosa correctional
2 44 facility, including salaries, support, maintenance, and
2 45 miscellaneous purposes:

2 46	\$	31,985,974
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2 47 c. For the operation of the Oakdale correctional
2 48 facility, including salaries, support, maintenance, and
2 49 miscellaneous purposes:

2 50	\$	55,594,426
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3 1 d. For the operation of the Newton correctional
3 2 facility, including salaries, support, maintenance, and
3 3 miscellaneous purposes:
3 4 \$ 25,958,757
3 5 e. For the operation of the Mt. Pleasant
3 6 correctional facility, including salaries, support,
3 7 maintenance, and miscellaneous purposes:
3 8 \$ 25,917,815
3 9 f. For the operation of the Rockwell City
3 10 correctional facility, including salaries, support,
3 11 maintenance, and miscellaneous purposes:
3 12 \$ 9,316,466
3 13 g. For the operation of the Clarinda correctional
3 14 facility, including salaries, support, maintenance, and
3 15 miscellaneous purposes:
3 16 \$ 24,482,356
3 17 Moneys received by the department of corrections as
3 18 reimbursement for services provided to the Clarinda
3 19 youth corporation are appropriated to the department
3 20 and shall be used for the purpose of operating the
3 21 Clarinda correctional facility.
3 22 h. For the operation of the Mitchellville
3 23 correctional facility, including salaries, support,
3 24 maintenance, and miscellaneous purposes:
3 25 \$ 15,615,374
3 26 i. For the operation of the Fort Dodge correctional
3 27 facility, including salaries, support, maintenance, and
3 28 miscellaneous purposes:
3 29 \$ 29,062,235
3 30 j. For reimbursement of counties for temporary
3 31 confinement of work release and parole violators, as
3 32 provided in sections 901.7, 904.908, and 906.17, and
3 33 for offenders confined pursuant to section 904.513:
3 34 \$ 775,092
3 35 k. For federal prison reimbursement, reimbursements
3 36 for out-of-state placements, and miscellaneous
3 37 contracts:
3 38 \$ 239,411
3 39 2. The department of corrections shall use moneys
3 40 appropriated in subsection 1 to continue to contract
3 41 for the services of a Muslim imam and a Native American
3 42 spiritual leader.
3 43 Sec. 4. DEPARTMENT OF CORRECTIONS ====
3 44 ADMINISTRATION. There is appropriated from the general
3 45 fund of the state to the department of corrections for
3 46 the fiscal year beginning July 1, 2011, and ending June
3 47 30, 2012, the following amounts, or so much thereof as
3 48 is necessary, to be used for the purposes designated:
3 49 1. For general administration, including salaries,
3 50 support, maintenance, employment of an education



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4 1 director to administer a centralized education
4 2 program for the correctional system, and miscellaneous
4 3 purposes:
4 4 \$ 4,835,542
4 5 a. It is the intent of the general assembly
4 6 that as a condition of receiving the appropriation
4 7 provided in this lettered paragraph the department of
4 8 corrections shall not, except as otherwise provided
4 9 in paragraph "c", enter into a new contract, unless
4 10 the contract is a renewal of an existing contract,
4 11 for the expenditure of moneys in excess of \$100,000
4 12 during the fiscal year beginning July 1, 2011, for the
4 13 privatization of services performed by the department
4 14 using state employees as of July 1, 2011, or for the
4 15 privatization of new services by the department without
4 16 prior consultation with any applicable state employee
4 17 organization affected by the proposed new contract and
4 18 prior notification of the co-chairpersons and ranking
4 19 members of the joint appropriations subcommittee on the
4 20 justice system.
4 21 b. It is the intent of the general assembly
4 22 that each lease negotiated by the department of
4 23 corrections with a private corporation for the purpose
4 24 of providing private industry employment of inmates in
4 25 a correctional institution shall prohibit the private
4 26 corporation from utilizing inmate labor for partisan
4 27 political purposes for any person seeking election to
4 28 public office in this state and that a violation of
4 29 this requirement shall result in a termination of the
4 30 lease agreement.
4 31 c. It is the intent of the general assembly that as
4 32 a condition of receiving the appropriation provided in
4 33 this subsection the department of corrections shall not
4 34 enter into a lease or contractual agreement pursuant to
4 35 section 904.809 with a private corporation for the use
4 36 of building space for the purpose of providing inmate
4 37 employment without providing that the terms of the
4 38 lease or contract establish safeguards to restrict, to
4 39 the greatest extent feasible, access by inmates working
4 40 for the private corporation to personal identifying
4 41 information of citizens.
4 42 2. For educational programs for inmates at state
4 43 penal institutions:
4 44 \$ 2,308,109
4 45 a. As a condition of receiving the appropriation in
4 46 this subsection, the department of corrections shall
4 47 transfer at least \$300,000 from the canteen operating
4 48 funds established pursuant to section 904.310 to be
4 49 used for correctional educational programs funded in
4 50 this subsection.



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5 1 b. It is the intent of the general assembly that
5 2 moneys appropriated in this subsection shall be used
5 3 solely for the purpose indicated and that the moneys
5 4 shall not be transferred for any other purpose. In
5 5 addition, it is the intent of the general assembly
5 6 that the department shall consult with the community
5 7 colleges in the areas in which the institutions
5 8 are located to utilize moneys appropriated in this
5 9 subsection to fund the high school completion, high
5 10 school equivalency diploma, adult literacy, and adult
5 11 basic education programs in a manner so as to maintain
5 12 these programs at the institutions.

5 13 c. To maximize the funding for educational
5 14 programs, the department shall establish guidelines
5 15 and procedures to prioritize the availability of
5 16 educational and vocational training for inmates based
5 17 upon the goal of facilitating an inmate's successful
5 18 release from the correctional institution.

5 19 d. The director of the department of corrections
5 20 may transfer moneys from Iowa prison industries for use
5 21 in educational programs for inmates.

5 22 e. Notwithstanding section 8.33, moneys
5 23 appropriated in this subsection that remain unobligated
5 24 or unexpended at the close of the fiscal year shall not
5 25 revert but shall remain available to be used only for
5 26 the purposes designated in this subsection until the
5 27 close of the succeeding fiscal year.

5 28 3. For the development of the Iowa corrections
5 29 offender network (ICON) data system:

5 30 \$ 424,364

5 31 4. For offender mental health and substance abuse
5 32 treatment:

5 33 \$ 22,319

5 34 5. For viral hepatitis prevention and treatment:

5 35 \$ 167,881

5 36 6. It is the intent of the general assembly that
5 37 for the fiscal year addressed by this section the
5 38 department of corrections shall continue to operate the
5 39 correctional farms under the control of the department
5 40 at the same or greater level of participation and
5 41 involvement as existed as of January 1, 2011; shall not
5 42 enter into any rental agreement or contract concerning
5 43 any farmland under the control of the department that
5 44 is not subject to a rental agreement or contract as of
5 45 January 1, 2011, without prior legislative approval;
5 46 and shall further attempt to provide job opportunities
5 47 at the farms for inmates. The department shall attempt
5 48 to provide job opportunities at the farms for inmates
5 49 by encouraging labor-intensive farming or gardening
5 50 where appropriate; using inmates to grow produce



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6 1 and meat for institutional consumption; researching
6 2 the possibility of instituting food canning and
6 3 cook=and=chill operations; and exploring opportunities
6 4 for organic farming and gardening, livestock ventures,
6 5 horticulture, and specialized crops.
6 6 7. The department of corrections shall solicit
6 7 requests for information to improve efficiencies at the
6 8 pharmacy under the control of the department.
6 9 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
6 10 CORRECTIONAL SERVICES.
6 11 1. There is appropriated from the general fund of
6 12 the state to the department of corrections for the
6 13 fiscal year beginning July 1, 2011, and ending June
6 14 30, 2012, for salaries, support, maintenance, and
6 15 miscellaneous purposes, the following amounts, or
6 16 so much thereof as is necessary, to be allocated as
6 17 follows:
6 18 a. For the first judicial district department of
6 19 correctional services:
6 20 \$ 12,204,948
6 21 b. For the second judicial district department of
6 22 correctional services:
6 23 \$ 10,336,948
6 24 c. For the third judicial district department of
6 25 correctional services:
6 26 \$ 5,599,765
6 27 d. For the fourth judicial district department of
6 28 correctional services:
6 29 \$ 5,391,355
6 30 e. For the fifth judicial district department of
6 31 correctional services, including funding for electronic
6 32 monitoring devices for use on a statewide basis:
6 33 \$ 18,742,129
6 34 f. For the sixth judicial district department of
6 35 correctional services:
6 36 \$ 13,112,563
6 37 g. For the seventh judicial district department of
6 38 correctional services:
6 39 \$ 6,492,814
6 40 h. For the eighth judicial district department of
6 41 correctional services:
6 42 \$ 6,879,715
6 43 2. Each judicial district department of
6 44 correctional services, within the funding available,
6 45 shall continue programs and plans established within
6 46 that district to provide for intensive supervision, sex
6 47 offender treatment, diversion of low=risk offenders
6 48 to the least restrictive sanction available, job
6 49 development, and expanded use of intermediate criminal
6 50 sanctions.



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7 1 3. Each judicial district department of
7 2 correctional services shall provide alternatives to
7 3 prison consistent with chapter 901B. The alternatives
7 4 to prison shall ensure public safety while providing
7 5 maximum rehabilitation to the offender. A judicial
7 6 district department of correctional services may also
7 7 establish a day program.

7 8 4. The governor's office of drug control policy
7 9 or any succeeding entity of the governor's office of
7 10 drug control policy shall consider federal grants made
7 11 to the department of corrections for the benefit of
7 12 each of the eight judicial district departments of
7 13 correctional services as local government grants, as
7 14 defined pursuant to federal regulations.

7 15 5. The department of corrections shall continue
7 16 to contract with a judicial district department
7 17 of correctional services to provide for the rental
7 18 of electronic monitoring equipment which shall be
7 19 available statewide.

7 20 Sec. 6. DEPARTMENT OF CORRECTIONS ==== REALLOCATION
7 21 OF APPROPRIATIONS. Notwithstanding section 8.39,
7 22 within the moneys appropriated in this Act to the
7 23 department of corrections, the department may
7 24 reallocate the moneys appropriated and allocated as
7 25 necessary to best fulfill the needs of the correctional
7 26 institutions, administration of the department, and the
7 27 judicial district departments of correctional services.
7 28 However, in addition to complying with the requirements
7 29 of sections 904.116 and 905.8 and providing notice
7 30 to the legislative services agency, the department
7 31 of corrections shall also provide notice to the
7 32 department of management, prior to the effective date
7 33 of the revision or reallocation of an appropriation
7 34 made pursuant to this section. The department of
7 35 corrections shall not reallocate an appropriation or
7 36 allocation for the purpose of eliminating any program.

7 37 Sec. 7. INTENT ==== REPORTS.

7 38 1. The department of corrections in cooperation
7 39 with townships, the Iowa cemetery associations, and
7 40 other nonprofit or governmental entities may use inmate
7 41 labor during the fiscal year beginning July 1, 2011,
7 42 to restore or preserve rural cemeteries and historical
7 43 landmarks. The department in cooperation with the
7 44 counties may also use inmate labor to clean up roads,
7 45 major water sources, and other water sources around the
7 46 state.

7 47 2. On a quarterly basis the department shall
7 48 provide a status report regarding private=sector
7 49 employment to the legislative services agency beginning
7 50 on July 1, 2011. The report shall include the number



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8 1 of offenders employed in the private sector, the
8 2 combined number of hours worked by the offenders, the
8 3 total amount of allowances, and the distribution of
8 4 allowances pursuant to section 904.702, including any
8 5 moneys deposited in the general fund of the state.

8 6 Sec. 8. ELECTRONIC MONITORING REPORT. The
8 7 department of corrections shall submit a report on
8 8 electronic monitoring to the general assembly, to the
8 9 co=chairpersons and the ranking members of the joint
8 10 appropriations subcommittee on the justice system, and
8 11 to the legislative services agency by January 15, 2012.
8 12 The report shall specifically address the number of
8 13 persons being electronically monitored and break down
8 14 the number of persons being electronically monitored
8 15 by offense committed. The report shall also include a
8 16 comparison of any data from the prior fiscal year with
8 17 the current year.

8 18 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
8 19 INDUSTRIES.

8 20 1. As used in this section, unless the context
8 21 otherwise requires, "state agency" means the government
8 22 of the state of Iowa, including but not limited to
8 23 all executive branch departments, agencies, boards,
8 24 bureaus, and commissions, the judicial branch,
8 25 the general assembly and all legislative agencies,
8 26 institutions within the purview of the state board of
8 27 regents, and any corporation whose primary function is
8 28 to act as an instrumentality of the state.

8 29 2. State agencies are hereby encouraged to purchase
8 30 products from Iowa state industries, as defined in
8 31 section 904.802, when purchases are required and the
8 32 products are available from Iowa state industries.
8 33 State agencies shall obtain bids from Iowa state
8 34 industries for purchases of office furniture during the
8 35 fiscal year beginning July 1, 2011, exceeding \$5,000
8 36 or in accordance with applicable administrative rules
8 37 related to purchases for the agency.

8 38 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

8 39 1. There is appropriated from the general fund of
8 40 the state to the Iowa law enforcement academy for the
8 41 fiscal year beginning July 1, 2011, and ending June 30,
8 42 2012, the following amount, or so much thereof as is
8 43 necessary, to be used for the purposes designated:

8 44 For salaries, support, maintenance, miscellaneous
8 45 purposes, including jailer training and technical
8 46 assistance, and for not more than the following
8 47 full=time equivalent positions:

8 48	\$	868,698
8 49	FTEs	24.55

8 50 It is the intent of the general assembly that the



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9 1 Iowa law enforcement academy may provide training of
9 2 state and local law enforcement personnel concerning
9 3 the recognition of and response to persons with
9 4 Alzheimer's disease.

9 5 The Iowa law enforcement academy may temporarily
9 6 exceed and draw more than the amount appropriated in
9 7 this subsection and incur a negative cash balance as
9 8 long as there are receivables equal to or greater than
9 9 the negative balance and the amount appropriated in
9 10 this subsection is not exceeded at the close of the
9 11 fiscal year.

9 12 2. The Iowa law enforcement academy may select
9 13 at least five automobiles of the department of public
9 14 safety, division of state patrol, prior to turning over
9 15 the automobiles to the department of administrative
9 16 services to be disposed of by public auction, and
9 17 the Iowa law enforcement academy may exchange any
9 18 automobile owned by the academy for each automobile
9 19 selected if the selected automobile is used in training
9 20 law enforcement officers at the academy. However,
9 21 any automobile exchanged by the academy shall be
9 22 substituted for the selected vehicle of the department
9 23 of public safety and sold by public auction with the
9 24 receipts being deposited in the depreciation fund to
9 25 the credit of the department of public safety, division
9 26 of state patrol.

9 27 Sec. 11. STATE PUBLIC DEFENDER. There is
9 28 appropriated from the general fund of the state to the
9 29 office of the state public defender of the department
9 30 of inspections and appeals for the fiscal year
9 31 beginning July 1, 2011, and ending June 30, 2012, the
9 32 following amounts, or so much thereof as is necessary,
9 33 to be allocated as follows for the purposes designated:

9 34 1. For salaries, support, maintenance,
9 35 miscellaneous purposes, and for not more than the
9 36 following full-time equivalent positions:

9 37 \$ 24,083,182
9 38 FTEs 219.00

9 39 2. For the fees of court-appointed attorneys for
9 40 indigent adults and juveniles, in accordance with
9 41 section 232.141 and chapter 815:

9 42 \$ 31,680,929

9 43 Sec. 12. BOARD OF PAROLE. There is appropriated
9 44 from the general fund of the state to the board of
9 45 parole for the fiscal year beginning July 1, 2011, and
9 46 ending June 30, 2012, the following amount, or so much
9 47 thereof as is necessary, to be used for the purposes
9 48 designated:

9 49 For salaries, support, maintenance, miscellaneous
9 50 purposes, and for not more than the following full-time



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10 1 equivalent positions:
10 2 \$ 1,053,835
10 3 FTEs 12.50
10 4 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
10 5 appropriated from the general fund of the state to
10 6 the department of public defense for the fiscal year
10 7 beginning July 1, 2011, and ending June 30, 2012, the
10 8 following amounts, or so much thereof as is necessary,
10 9 to be used for the purposes designated:
10 10 1. MILITARY DIVISION
10 11 For salaries, support, maintenance, miscellaneous
10 12 purposes, and for not more than the following full-time
10 13 equivalent positions:
10 14 \$ 5,527,042
10 15 FTEs 313.00
10 16 The military division may temporarily exceed
10 17 and draw more than the amount appropriated in this
10 18 subsection and incur a negative cash balance as long
10 19 as there are receivables of federal funds equal to
10 20 or greater than the negative balance and the amount
10 21 appropriated in this subsection is not exceeded at the
10 22 close of the fiscal year.
10 23 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
10 24 DIVISION
10 25 For salaries, support, maintenance, miscellaneous
10 26 purposes, and for not more than the following full-time
10 27 equivalent positions:
10 28 \$ 1,836,877
10 29 FTEs 40.00
10 30 a. The homeland security and emergency management
10 31 division may temporarily exceed and draw more than the
10 32 amount appropriated in this subsection and incur a
10 33 negative cash balance as long as there are receivables
10 34 of federal funds equal to or greater than the negative
10 35 balance and the amount appropriated in this subsection
10 36 is not exceeded at the close of the fiscal year.
10 37 b. It is the intent of the general assembly that
10 38 the homeland security and emergency management division
10 39 work in conjunction with the department of public
10 40 safety, to the extent possible, when gathering and
10 41 analyzing information related to potential domestic
10 42 or foreign security threats, and when monitoring such
10 43 threats.
10 44 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
10 45 appropriated from the general fund of the state to
10 46 the department of public safety for the fiscal year
10 47 beginning July 1, 2011, and ending June 30, 2012, the
10 48 following amounts, or so much thereof as is necessary,
10 49 to be used for the purposes designated:
10 50 1. For the department's administrative functions,



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11 1 including the criminal justice information system, and
11 2 for not more than the following full-time equivalent
11 3 positions:
11 4 \$ 4,007,075
11 5 FTEs 36.00
11 6 2. For the division of criminal investigation,
11 7 including the state's contribution to the peace
11 8 officers' retirement, accident, and disability system
11 9 provided in chapter 97A in the amount of the state's
11 10 normal contribution rate, as defined in section
11 11 97A.8, multiplied by the salaries for which the
11 12 funds are appropriated, to meet federal fund matching
11 13 requirements, and for not more than the following
11 14 full-time equivalent positions:
11 15 \$ 12,533,931
11 16 FTEs 159.10
11 17 The department shall employ one additional special
11 18 agent and one additional criminalist for the purpose
11 19 of investigating cold cases. Prior to employing the
11 20 additional special agent and criminalist authorized
11 21 in this paragraph, the department shall provide a
11 22 written statement to prospective employees that states
11 23 to the effect that the positions are being funded by
11 24 a temporary federal grant and there are no assurances
11 25 that funds from other sources will be available after
11 26 the federal funding expires. If the federal funding
11 27 for the additional positions expires during the fiscal
11 28 year, the number of full-time equivalent positions
11 29 authorized in this subsection is reduced by 2.00 FTEs.
11 30 3. For the criminalistics laboratory fund created
11 31 in section 691.9:
11 32 \$ 302,345
11 33 4. a. For the division of narcotics enforcement,
11 34 including the state's contribution to the peace
11 35 officers' retirement, accident, and disability system
11 36 provided in chapter 97A in the amount of the state's
11 37 normal contribution rate, as defined in section
11 38 97A.8, multiplied by the salaries for which the
11 39 funds are appropriated, to meet federal fund matching
11 40 requirements, and for not more than the following
11 41 full-time equivalent positions:
11 42 \$ 6,353,345
11 43 FTEs 74.00
11 44 b. For the division of narcotics enforcement for
11 45 undercover purchases:
11 46 \$ 109,042
11 47 5. For the division of state fire marshal, for fire
11 48 protection services as provided through the state fire
11 49 service and emergency response council as created in
11 50 the department, and for the state's contribution to the



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12 1 peace officers' retirement, accident, and disability
12 2 system provided in chapter 97A in the amount of the
12 3 state's normal contribution rate, as defined in section
12 4 97A.8, multiplied by the salaries for which the funds
12 5 are appropriated, and for not more than the following
12 6 full-time equivalent positions:
12 7 \$ 4,298,707
12 8 FTEs 55.00
12 9 6. For the division of state patrol, for salaries,
12 10 support, maintenance, workers' compensation costs,
12 11 and miscellaneous purposes, including the state's
12 12 contribution to the peace officers' retirement,
12 13 accident, and disability system provided in chapter 97A
12 14 in the amount of the state's normal contribution rate,
12 15 as defined in section 97A.8, multiplied by the salaries
12 16 for which the funds are appropriated, and for not more
12 17 than the following full-time equivalent positions:
12 18 \$ 51,903,233
12 19 FTEs 513.00
12 20 It is the intent of the general assembly that
12 21 members of the state patrol be assigned to patrol
12 22 the highways and roads in lieu of assignments for
12 23 inspecting school buses for the school districts.
12 24 7. For deposit in the sick leave benefits fund
12 25 established under section 80.42 for all departmental
12 26 employees eligible to receive benefits for accrued sick
12 27 leave under the collective bargaining agreement:
12 28 \$ 279,517
12 29 8. For costs associated with the training and
12 30 equipment needs of volunteer fire fighters:
12 31 \$ 725,520
12 32 a. Notwithstanding section 8.33, moneys
12 33 appropriated in this subsection that remain
12 34 unencumbered or unobligated at the close of the fiscal
12 35 year shall not revert but shall remain available for
12 36 expenditure only for the purpose designated in this
12 37 subsection until the close of the succeeding fiscal
12 38 year.
12 39 b. Notwithstanding section 8.39, within the
12 40 moneys appropriated in this section, the department
12 41 of public safety may reallocate moneys as necessary
12 42 to best fulfill the needs provided for in the
12 43 appropriation. However, the department shall not
12 44 reallocate an appropriation made to the department
12 45 in this section unless notice of the reallocation
12 46 is given to the legislative services agency and
12 47 the department of management prior to the effective
12 48 date of the reallocation. The notice shall include
12 49 information regarding the rationale for reallocating
12 50 the appropriation. The department shall not reallocate



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13 1 an appropriation made in this section for the purpose
13 2 of eliminating any program.

13 3 Sec. 15. GAMING ENFORCEMENT.

13 4 1. There is appropriated from the gaming
13 5 enforcement revolving fund created in section 80.43 to
13 6 the department of public safety for the fiscal year
13 7 beginning July 1, 2011, and ending June 30, 2012, the
13 8 following amount, or so much thereof as is necessary,
13 9 to be used for the purposes designated:

13 10 For any direct and indirect support costs for
13 11 agents and officers of the division of criminal
13 12 investigation's excursion gambling boat, gambling
13 13 structure, and racetrack enclosure enforcement
13 14 activities, including salaries, support, maintenance,
13 15 miscellaneous purposes, and for not more than the
13 16 following full-time equivalent positions:
13 17 \$ 9,836,306
13 18 FTEs 120.00

13 19 2. For each additional license to conduct gambling
13 20 games on an excursion gambling boat, gambling
13 21 structure, or racetrack enclosure issued during
13 22 the fiscal year beginning July 1, 2011, there is
13 23 appropriated from the gaming enforcement fund to
13 24 the department of public safety for the fiscal year
13 25 beginning July 1, 2011, and ending June 30, 2012, an
13 26 additional amount of not more than \$521,000 to be used
13 27 for not more than 6.00 additional full-time equivalent
13 28 positions.

13 29 3. The department of public safety, with the
13 30 approval of the department of management, may employ
13 31 no more than two special agents and four gaming
13 32 enforcement officers for each additional riverboat
13 33 or gambling structure regulated after July 1, 2011,
13 34 and one special agent for each racing facility which
13 35 becomes operational during the fiscal year which
13 36 begins July 1, 2011. One additional gaming enforcement
13 37 officer, up to a total of four per riverboat or
13 38 gambling structure, may be employed for each riverboat
13 39 or gambling structure that has extended operations to
13 40 24 hours and has not previously operated with a 24-hour
13 41 schedule. Positions authorized in this subsection
13 42 are in addition to the full-time equivalent positions
13 43 otherwise authorized in this section.

13 44 Sec. 16. CIVIL RIGHTS COMMISSION. There is
13 45 appropriated from the general fund of the state to the
13 46 Iowa state civil rights commission for the fiscal year
13 47 beginning July 1, 2011, and ending June 30, 2012, the
13 48 following amount, or so much thereof as is necessary,
13 49 to be used for the purposes designated:

13 50 For salaries, support, maintenance, miscellaneous



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14 1 purposes, and for not more than the following full-time
14 2 equivalent positions:
14 3 \$ 1,397,069
14 4 FTEs 28.00
14 5 The Iowa state civil rights commission may enter
14 6 into a contract with a nonprofit organization to
14 7 provide legal assistance to resolve civil rights
14 8 complaints.
14 9 Sec. 17. Section 654.4B, subsection 2, paragraph b,
14 10 Code 2011, is amended to read as follows:
14 11 b. This subsection is repealed July 1, ~~2011~~ 2012.
14 12 Sec. 18. Section 124.204, subsection 4, Code 2011,
14 13 is amended by adding the following new paragraph:
14 14 NEW PARAGRAPH. ai. (1) Mephedrone, also known as
14 15 4=methylmethcathinone, (RS)=2=methylamino=1=(4=methylphenyl)
14 16 propan=1=one.
14 17 (2) Methylene=dioxypyrovalerone (MDPV) [(1=(1,3=
14 18 Benzodioxol=5=yl)=2=(1=pyrrolidinyl)=1=pentanone)].
14 19 (3) Salvia divinorum.
14 20 (4) Salvinorin A.
14 21 (5) Any substance, compound, mixture or preparation
14 22 which contains any quantity of any synthetic
14 23 cannabinoid that is not approved as a pharmaceutical,
14 24 including but not limited to the following:
14 25 (a) CP 47, 497 and homologues 2=[(1R, 3S)=3=
14 26 hydroxycyclohexyl]=5=(2=methyloctan=2=yl)phenol).
14 27 (b) HU=210[(6aR,10aR)=9=(hydroxymethyl)=6,6=dimethyl=3=
14 28 (2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
14 29 chromen=1=ol)].
14 30 (c) HU=211(dexanabinol, (6aS,10aS)=9=(hydroxymethyl)=6,6=
14 31 dimethyl=3=(2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
14 32 chromen=1=ol).
14 33 (d) JWH=018 1=Pentyl=3=(1=naphthoyl)indole.
14 34 (e) JWH=073 1=Butyl=3=(1=naphthoyl)indole.
14 35 (f) JWH=200 [1=[2=(4=morpholinyl)ethyl]=1H=indol=3=yl]=1=
14 36 naphthalenyl=methanone.
14 37 Sec. 19. Section 124.401, subsection 1, paragraph
14 38 c, subparagraph (8), Code 2011, is amended to read as
14 39 follows:
14 40 (8) Any other controlled substance, counterfeit
14 41 substance, or simulated controlled substance classified
14 42 in schedule I, II, or III, except as provided in
14 43 paragraph "d".
14 44 Sec. 20. Section 124.401, subsection 1, paragraph
14 45 d, Code 2011, is amended to read as follows:
14 46 d. Violation of this subsection, with respect
14 47 to any other controlled substances, counterfeit
14 48 substances, or simulated controlled substances
14 49 classified in section 124.204, subsection 4,
14 50 paragraph "ai", or classified in schedule IV or V is



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15 1 an aggravated misdemeanor. However, violation of
15 2 this subsection involving fifty kilograms or less of
15 3 marijuana or involving flunitrazepam is a class "D"
15 4 felony.

15 5 Sec. 21. 2009 Iowa Acts, chapter 178, section 20,
15 6 is amended to read as follows:

15 7 SEC. 20. CONSUMER EDUCATION AND LITIGATION
15 8 FUND. Notwithstanding section 714.16C, for each
15 9 fiscal year of the period beginning July 1, 2008, and
15 10 ending June 30, ~~2011~~ 2013, the annual appropriations
15 11 in section 714.16C, are increased from \$1,125,000 to
15 12 \$1,875,000, and \$75,000 to \$125,000 respectively.
15 13 Moneys appropriated from the consumer education and
15 14 litigation fund may be allocated for cash flow purposes
15 15 to the victim compensation fund established in section
15 16 915.94 during each of the fiscal years enumerated,
15 17 provided that any moneys so allocated are returned to
15 18 the consumer education and litigation fund by the end
15 19 of each fiscal year an allocation occurs.

15 20 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
15 21 intent of the general assembly that the executive
15 22 branch agencies receiving an appropriation in this Act
15 23 utilize the Iowa communications network or secure other
15 24 electronic communications in lieu of traveling for the
15 25 fiscal year addressed by the appropriations.

15 26 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
15 27 DIVISION. There is appropriated from the wireless
15 28 E911 emergency communications fund created in section
15 29 34A.7A to the administrator of the homeland security
15 30 and emergency management division of the department of
15 31 public defense for the fiscal year beginning July 1,
15 32 2011, and ending June 30, 2012, an amount not exceeding
15 33 \$200,000 to be used for implementation, support, and
15 34 maintenance of the functions of the administrator and
15 35 program manager under chapter 34A and to employ the
15 36 auditor of the state to perform an annual audit of the
15 37 wireless E911 emergency communications fund.

15 38 Sec. 24. GERIATRIC AND PSYCHIATRIC TREATMENT
15 39 ==== LEGISLATIVE STUDY. The legislative council is
15 40 requested to establish an interim study committee
15 41 to examine the treatment and placement options for
15 42 geriatric and psychiatric patients under the care,
15 43 custody, and control of the state, or for patients
15 44 who are otherwise specifically housed at the Iowa
15 45 medical and classification center at Oakdale or other
15 46 correctional facilities for geriatric or psychiatric
15 47 treatment purposes. The committee shall focus on
15 48 maximizing the availability of treatment options for
15 49 such patients while achieving fiscal efficiencies.
15 50 The committee shall review programs used in other



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16 1 states and by the federal government including but not
16 2 limited to the use of forensic hospitals, prison-based
16 3 hospice care, compassionate release, and the funding
16 4 mechanisms used to implement such programs. Members
16 5 of the interim study committee shall include the
16 6 co-chairpersons and the ranking members of the joint
16 7 appropriations subcommittee on justice system and
16 8 the co-chairpersons and the ranking members of the
16 9 joint appropriations subcommittee on human services.
16 10 The committee shall provide a report detailing the
16 11 findings of the committee to the general assembly for
16 12 consideration during the 2012 legislative session.
16 13 Sec. 25. GERIATRIC AND PSYCHIATRIC TREATMENT
16 14 REPORT. The departments of corrections, human
16 15 services, inspections and appeals, and public health,
16 16 and the board of parole, shall jointly study the
16 17 development and establishment of treatment options
16 18 for geriatric and psychiatric patients currently
16 19 under the care, custody, and control of the state
16 20 to provide maximum treatment opportunities for such
16 21 persons while achieving fiscal efficiencies. The
16 22 department of corrections in consultation with the
16 23 other departments and the board of parole, shall
16 24 provide a report detailing the results of the study
16 25 to the co-chairpersons and the ranking members of the
16 26 joint appropriations subcommittee on health and human
16 27 services, the co-chairpersons and ranking members
16 28 of the joint appropriations subcommittee on justice
16 29 system, the legislative interim study committee
16 30 examining such treatment options, if established by the
16 31 legislative council pursuant to this division of this
16 32 Act, and the legislative services agency by November
16 33 15, 2011.
16 34 Sec. 26. CORRECTIONAL OFFICER AND PEACE OFFICER
16 35 POSITIONS ==== PRIORITY. As a condition of receiving
16 36 an appropriation in this division of this Act, the
16 37 department of corrections and the department of public
16 38 safety shall make every effort to preserve correctional
16 39 officer and peace officer positions through the
16 40 reduction of administrative and related overhead costs.
16 41 Sec. 27. SALARY INCREASES ==== CERTAIN REVOLVING
16 42 FUNDS.
16 43 For the fiscal year beginning July 1, 2011, there is
16 44 appropriated from the gaming enforcement revolving fund
16 45 an amount necessary for funding annual pay adjustments
16 46 and related benefits for agents and officers of the
16 47 division of criminal investigation's racetrack,
16 48 excursion boat, or gambling structure enforcement
16 49 activities. Moneys appropriated pursuant to this
16 50 subsection shall be in addition to and supplement other



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17 1 appropriations from the fund.
17 2 Sec. 28. EFFECTIVE DATE. The following provision
17 3 of this division of this Act takes effect thirty days
17 4 after enactment, notwithstanding section 3.7:
17 5 The section of this division of this Act amending
17 6 section 124.204, subsection 4, paragraph "ai",
17 7 subparagraphs (1) through (4).
17 8 Sec. 29. EFFECTIVE UPON ENACTMENT. The following
17 9 provision of this division of this Act, being deemed of
17 10 immediate importance, and notwithstanding section 3.7
17 11 takes effect upon enactment:
17 12 The section of this Act amending section 124.204,
17 13 subsection 4, paragraph "ai", subparagraph (5).
17 14 Sec. 30. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
17 15 APPLICABILITY. The following provision of this
17 16 division of this Act takes effect upon enactment, and
17 17 if approved by the governor on or after July 1, 2011,
17 18 shall apply retroactively to June 30, 2011:
17 19 The section of this division of this Act amending
17 20 section 654.4B.
17 21 DIVISION II
17 22 FY 2012=2013
17 23 Sec. 31. DEPARTMENT OF JUSTICE.
17 24 1. There is appropriated from the general fund
17 25 of the state to the department of justice for the
17 26 fiscal year beginning July 1, 2012, and ending June 30,
17 27 2013, the following amounts, or so much thereof as is
17 28 necessary, to be used for the purposes designated:
17 29 a. For the general office of attorney general for
17 30 salaries, support, maintenance, and miscellaneous
17 31 purposes, including the prosecuting attorneys training
17 32 program, matching funds for federal violence against
17 33 women grant programs, victim assistance grants, office
17 34 of drug control policy prosecuting attorney program,
17 35 and odometer fraud enforcement, and for not more than
17 36 the following full-time equivalent positions:
17 37 \$ 3,971,465
17 38 FTEs 212.00
17 39 It is the intent of the general assembly that as
17 40 a condition of receiving the appropriation provided
17 41 in this lettered paragraph, the department of justice
17 42 shall maintain a record of the estimated time incurred
17 43 representing each agency or department.
17 44 b. For victim assistance grants:
17 45 \$ 1,438,200
17 46 The funds appropriated in this lettered paragraph
17 47 shall be used to provide grants to care providers
17 48 providing services to crime victims of domestic abuse
17 49 or to crime victims of rape and sexual assault.
17 50 The balance of the victim compensation fund



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18 1 established in section 915.94 may be used to provide
18 2 salary and support of not more than 24 FTEs and
18 3 to provide maintenance for the victim compensation
18 4 functions of the department of justice.
18 5 The department of justice shall transfer at least
18 6 \$150,000 from the victim compensation fund established
18 7 in section 915.94 to the victim assistance grant
18 8 program.
18 9 c. For legal services for persons in poverty grants
18 10 as provided in section 13.34:
18 11 \$ 907,416
18 12 2. a. The department of justice, in submitting
18 13 budget estimates for the fiscal year commencing July
18 14 1, 2013, pursuant to section 8.23, shall include a
18 15 report of funding from sources other than amounts
18 16 appropriated directly from the general fund of the
18 17 state to the department of justice or to the office of
18 18 consumer advocate. These funding sources shall include
18 19 but are not limited to reimbursements from other state
18 20 agencies, commissions, boards, or similar entities, and
18 21 reimbursements from special funds or internal accounts
18 22 within the department of justice. The department of
18 23 justice shall also report actual reimbursements for the
18 24 fiscal year commencing July 1, 2011, and actual and
18 25 expected reimbursements for the fiscal year commencing
18 26 July 1, 2012.
18 27 b. The department of justice shall include the
18 28 report required under paragraph "a", as well as
18 29 information regarding any revisions occurring as a
18 30 result of reimbursements actually received or expected
18 31 at a later date, in a report to the co=chairpersons
18 32 and ranking members of the joint appropriations
18 33 subcommittee on the justice system and the legislative
18 34 services agency. The department of justice shall
18 35 submit the report on or before January 15, 2013.
18 36 Sec. 32. OFFICE OF CONSUMER ADVOCATE. There is
18 37 appropriated from the department of commerce revolving
18 38 fund created in section 546.12 to the office of
18 39 consumer advocate of the department of justice for the
18 40 fiscal year beginning July 1, 2012, and ending June 30,
18 41 2013, the following amount, or so much thereof as is
18 42 necessary, to be used for the purposes designated:
18 43 For salaries, support, maintenance, miscellaneous
18 44 purposes, and for not more than the following full=time
18 45 equivalent positions:
18 46 \$ 1,668,172
18 47 FTEs 22.00
18 48 Sec. 33. DEPARTMENT OF CORRECTIONS ==== FACILITIES.
18 49 1. There is appropriated from the general fund of
18 50 the state to the department of corrections for the



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19 1 fiscal year beginning July 1, 2012, and ending June
19 2 30, 2013, the following amounts, or so much thereof as
19 3 is necessary, to be used for the operation of adult
19 4 correctional institutions, reimbursement of counties
19 5 for certain confinement costs, and federal prison
19 6 reimbursement, to be allocated as follows:
19 7 a. For the operation of the Fort Madison
19 8 correctional facility, including salaries, support,
19 9 maintenance, and miscellaneous purposes:
19 10 \$ 20,594,223
19 11 b. For the operation of the Anamosa correctional
19 12 facility, including salaries, support, maintenance, and
19 13 miscellaneous purposes:
19 14 \$ 15,992,987
19 15 c. For the operation of the Oakdale correctional
19 16 facility, including salaries, support, maintenance, and
19 17 miscellaneous purposes:
19 18 \$ 27,797,213
19 19 d. For the operation of the Newton correctional
19 20 facility, including salaries, support, maintenance, and
19 21 miscellaneous purposes:
19 22 \$ 12,979,379
19 23 e. For the operation of the Mt. Pleasant
19 24 correctional facility, including salaries, support,
19 25 maintenance, and miscellaneous purposes:
19 26 \$ 12,958,908
19 27 f. For the operation of the Rockwell City
19 28 correctional facility, including salaries, support,
19 29 maintenance, and miscellaneous purposes:
19 30 \$ 4,658,233
19 31 g. For the operation of the Clarinda correctional
19 32 facility, including salaries, support, maintenance, and
19 33 miscellaneous purposes:
19 34 \$ 12,241,178
19 35 Moneys received by the department of corrections as
19 36 reimbursement for services provided to the Clarinda
19 37 youth corporation are appropriated to the department
19 38 and shall be used for the purpose of operating the
19 39 Clarinda correctional facility.
19 40 h. For the operation of the Mitchellville
19 41 correctional facility, including salaries, support,
19 42 maintenance, and miscellaneous purposes:
19 43 \$ 7,807,687
19 44 i. For the operation of the Fort Dodge correctional
19 45 facility, including salaries, support, maintenance, and
19 46 miscellaneous purposes:
19 47 \$ 14,531,118
19 48 j. For reimbursement of counties for temporary
19 49 confinement of work release and parole violators, as
19 50 provided in sections 901.7, 904.908, and 906.17, and



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20 1 for offenders confined pursuant to section 904.513:
20 2 \$ 387,546
20 3 k. For federal prison reimbursement, reimbursements
20 4 for out-of-state placements, and miscellaneous
20 5 contracts:
20 6 \$ 119,706
20 7 2. The department of corrections shall use moneys
20 8 appropriated in subsection 1 to continue to contract
20 9 for the services of a Muslim imam and a Native American
20 10 spiritual leader.
20 11 Sec. 34. DEPARTMENT OF CORRECTIONS ====

20 12 ADMINISTRATION.
20 13 There is appropriated from the general fund of
20 14 the state to the department of corrections for the
20 15 fiscal year beginning July 1, 2012, and ending June 30,
20 16 2013, the following amounts, or so much thereof as is
20 17 necessary, to be used for the purposes designated:
20 18 1. For general administration, including salaries,
20 19 support, maintenance, employment of an education
20 20 director to administer a centralized education
20 21 program for the correctional system, and miscellaneous
20 22 purposes:
20 23 \$ 2,417,771
20 24 a. It is the intent of the general assembly
20 25 that as a condition of receiving the appropriation
20 26 provided in this lettered paragraph the department of
20 27 corrections shall not, except as otherwise provided
20 28 in paragraph "c", enter into a new contract, unless
20 29 the contract is a renewal of an existing contract,
20 30 for the expenditure of moneys in excess of \$100,000
20 31 during the fiscal year beginning July 1, 2012, for the
20 32 privatization of services performed by the department
20 33 using state employees as of July 1, 2012, or for the
20 34 privatization of new services by the department without
20 35 prior consultation with any applicable state employee
20 36 organization affected by the proposed new contract and
20 37 prior notification of the co-chairpersons and ranking
20 38 members of the joint appropriations subcommittee on the
20 39 justice system.
20 40 b. It is the intent of the general assembly
20 41 that each lease negotiated by the department of
20 42 corrections with a private corporation for the purpose
20 43 of providing private industry employment of inmates in
20 44 a correctional institution shall prohibit the private
20 45 corporation from utilizing inmate labor for partisan
20 46 political purposes for any person seeking election to
20 47 public office in this state and that a violation of
20 48 this requirement shall result in a termination of the
20 49 lease agreement.
20 50 c. It is the intent of the general assembly that as



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21 1 a condition of receiving the appropriation provided in
21 2 this subsection the department of corrections shall not
21 3 enter into a lease or contractual agreement pursuant to
21 4 section 904.809 with a private corporation for the use
21 5 of building space for the purpose of providing inmate
21 6 employment without providing that the terms of the
21 7 lease or contract establish safeguards to restrict, to
21 8 the greatest extent feasible, access by inmates working
21 9 for the private corporation to personal identifying
21 10 information of citizens.

21 11 2. For educational programs for inmates at state
21 12 penal institutions:
21 13 \$ 1,154,055

21 14 a. As a condition of receiving the appropriation in
21 15 this subsection, the department of corrections shall
21 16 transfer at least \$300,000 from the canteen operating
21 17 funds established pursuant to section 904.310 to be
21 18 used for correctional educational programs funded in
21 19 this subsection.

21 20 b. It is the intent of the general assembly that
21 21 moneys appropriated in this subsection shall be used
21 22 solely for the purpose indicated and that the moneys
21 23 shall not be transferred for any other purpose. In
21 24 addition, it is the intent of the general assembly
21 25 that the department shall consult with the community
21 26 colleges in the areas in which the institutions
21 27 are located to utilize moneys appropriated in this
21 28 subsection to fund the high school completion, high
21 29 school equivalency diploma, adult literacy, and adult
21 30 basic education programs in a manner so as to maintain
21 31 these programs at the institutions.

21 32 c. To maximize the funding for educational
21 33 programs, the department shall establish guidelines
21 34 and procedures to prioritize the availability of
21 35 educational and vocational training for inmates based
21 36 upon the goal of facilitating an inmate's successful
21 37 release from the correctional institution.

21 38 d. The director of the department of corrections
21 39 may transfer moneys from Iowa prison industries for use
21 40 in educational programs for inmates.

21 41 e. Notwithstanding section 8.33, moneys
21 42 appropriated in this subsection that remain unobligated
21 43 or unexpended at the close of the fiscal year shall not
21 44 revert but shall remain available to be used only for
21 45 the purposes designated in this subsection until the
21 46 close of the succeeding fiscal year.

21 47 3. For the development of the Iowa corrections
21 48 offender network (ICON) data system:
21 49 \$ 212,182

21 50 4. For offender mental health and substance abuse



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22 1 treatment:
22 2 \$ 11,160
22 3 5. For viral hepatitis prevention and treatment:
22 4 \$ 83,941
22 5 6. It is the intent of the general assembly that
22 6 for the fiscal year addressed by this section the
22 7 department of corrections shall continue to operate the
22 8 correctional farms under the control of the department
22 9 at the same or greater level of participation and
22 10 involvement as existed as of January 1, 2011; shall not
22 11 enter into any rental agreement or contract concerning
22 12 any farmland under the control of the department that
22 13 is not subject to a rental agreement or contract as of
22 14 January 1, 2011, without prior legislative approval;
22 15 and shall further attempt to provide job opportunities
22 16 at the farms for inmates. The department shall attempt
22 17 to provide job opportunities at the farms for inmates
22 18 by encouraging labor-intensive farming or gardening
22 19 where appropriate; using inmates to grow produce
22 20 and meat for institutional consumption; researching
22 21 the possibility of instituting food canning and
22 22 cook-and-chill operations; and exploring opportunities
22 23 for organic farming and gardening, livestock ventures,
22 24 horticulture, and specialized crops.
22 25 7. The department of corrections shall solicit
22 26 requests for information to improve efficiencies at the
22 27 pharmacy under the control of the department.
22 28 Sec. 35. JUDICIAL DISTRICT DEPARTMENTS OF
22 29 CORRECTIONAL SERVICES.
22 30 1. There is appropriated from the general fund of
22 31 the state to the department of corrections for the
22 32 fiscal year beginning July 1, 2012, and ending June
22 33 30, 2013, for salaries, support, maintenance, and
22 34 miscellaneous purposes, the following amounts, or
22 35 so much thereof as is necessary, to be allocated as
22 36 follows:
22 37 a. For the first judicial district department of
22 38 correctional services:
22 39 \$ 6,102,474
22 40 b. For the second judicial district department of
22 41 correctional services:
22 42 \$ 5,168,474
22 43 c. For the third judicial district department of
22 44 correctional services:
22 45 \$ 2,799,883
22 46 d. For the fourth judicial district department of
22 47 correctional services:
22 48 \$ 2,695,678
22 49 e. For the fifth judicial district department of
22 50 correctional services, including funding for electronic



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23 1 monitoring devices for use on a statewide basis:
23 2 \$ 9,371,065
23 3 f. For the sixth judicial district department of
23 4 correctional services:
23 5 \$ 6,556,282
23 6 g. For the seventh judicial district department of
23 7 correctional services:
23 8 \$ 3,246,407
23 9 h. For the eighth judicial district department of
23 10 correctional services:
23 11 \$ 3,439,858
23 12 2. Each judicial district department of
23 13 correctional services, within the funding available,
23 14 shall continue programs and plans established within
23 15 that district to provide for intensive supervision, sex
23 16 offender treatment, diversion of low-risk offenders
23 17 to the least restrictive sanction available, job
23 18 development, and expanded use of intermediate criminal
23 19 sanctions.
23 20 3. Each judicial district department of
23 21 correctional services shall provide alternatives to
23 22 prison consistent with chapter 901B. The alternatives
23 23 to prison shall ensure public safety while providing
23 24 maximum rehabilitation to the offender. A judicial
23 25 district department of correctional services may also
23 26 establish a day program.
23 27 4. The governor's office of drug control policy
23 28 or any succeeding entity of the governor's office of
23 29 drug control policy shall consider federal grants made
23 30 to the department of corrections for the benefit of
23 31 each of the eight judicial district departments of
23 32 correctional services as local government grants, as
23 33 defined pursuant to federal regulations.
23 34 5. The department of corrections shall continue
23 35 to contract with a judicial district department
23 36 of correctional services to provide for the rental
23 37 of electronic monitoring equipment which shall be
23 38 available statewide.
23 39 Sec. 36. DEPARTMENT OF CORRECTIONS ==== REALLOCATION
23 40 OF APPROPRIATIONS. Notwithstanding section 8.39,
23 41 within the moneys appropriated in this division of this
23 42 Act to the department of corrections, the department
23 43 may reallocate the moneys appropriated and allocated as
23 44 necessary to best fulfill the needs of the correctional
23 45 institutions, administration of the department, and the
23 46 judicial district departments of correctional services.
23 47 However, in addition to complying with the requirements
23 48 of sections 904.116 and 905.8 and providing notice
23 49 to the legislative services agency, the department
23 50 of corrections shall also provide notice to the



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Senate Amendment 3353 continued

24 1 department of management, prior to the effective date
24 2 of the revision or reallocation of an appropriation
24 3 made pursuant to this section. The department of
24 4 corrections shall not reallocate an appropriation or
24 5 allocation for the purpose of eliminating any program.
24 6 Sec. 37. INTENT ==== REPORTS.
24 7 1. The department of corrections in cooperation
24 8 with townships, the Iowa cemetery associations, and
24 9 other nonprofit or governmental entities may use inmate
24 10 labor during the fiscal year beginning July 1, 2012,
24 11 to restore or preserve rural cemeteries and historical
24 12 landmarks. The department in cooperation with the
24 13 counties may also use inmate labor to clean up roads,
24 14 major water sources, and other water sources around the
24 15 state.
24 16 2. On a quarterly basis the department shall
24 17 provide a status report regarding private=sector
24 18 employment to the legislative services agency beginning
24 19 on July 1, 2012. The report shall include the number
24 20 of offenders employed in the private sector, the
24 21 combined number of hours worked by the offenders, the
24 22 total amount of allowances, and the distribution of
24 23 allowances pursuant to section 904.702, including any
24 24 moneys deposited in the general fund of the state.
24 25 Sec. 38. ELECTRONIC MONITORING REPORT. The
24 26 department of corrections shall submit a report on
24 27 electronic monitoring to the general assembly, to the
24 28 co=chairpersons and the ranking members of the joint
24 29 appropriations subcommittee on the justice system, and
24 30 to the legislative services agency by January 15, 2013.
24 31 The report shall specifically address the number of
24 32 persons being electronically monitored and break down
24 33 the number of persons being electronically monitored
24 34 by offense committed. The report shall also include a
24 35 comparison of any data from the prior fiscal year with
24 36 the current year.
24 37 Sec. 39. STATE AGENCY PURCHASES FROM PRISON
24 38 INDUSTRIES.
24 39 1. As used in this section, unless the context
24 40 otherwise requires, "state agency" means the government
24 41 of the state of Iowa, including but not limited to
24 42 all executive branch departments, agencies, boards,
24 43 bureaus, and commissions, the judicial branch,
24 44 the general assembly and all legislative agencies,
24 45 institutions within the purview of the state board of
24 46 regents, and any corporation whose primary function is
24 47 to act as an instrumentality of the state.
24 48 2. State agencies are hereby encouraged to purchase
24 49 products from Iowa state industries, as defined in
24 50 section 904.802, when purchases are required and the



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25 1 products are available from Iowa state industries.
25 2 State agencies shall obtain bids from Iowa state
25 3 industries for purchases of office furniture during the
25 4 fiscal year beginning July 1, 2012, exceeding \$5,000
25 5 or in accordance with applicable administrative rules
25 6 related to purchases for the agency.

25 7 Sec. 40. IOWA LAW ENFORCEMENT ACADEMY.

25 8 1. There is appropriated from the general fund of
25 9 the state to the Iowa law enforcement academy for the
25 10 fiscal year beginning July 1, 2012, and ending June 30,
25 11 2013, the following amount, or so much thereof as is
25 12 necessary, to be used for the purposes designated:

25 13 For salaries, support, maintenance, miscellaneous
25 14 purposes, including jailer training and technical
25 15 assistance, and for not more than the following
25 16 full-time equivalent positions:

25 17	\$	434,349
25 18	FTEs	24.55

25 19 It is the intent of the general assembly that the
25 20 Iowa law enforcement academy may provide training of
25 21 state and local law enforcement personnel concerning
25 22 the recognition of and response to persons with
25 23 Alzheimer's disease.

25 24 The Iowa law enforcement academy may temporarily
25 25 exceed and draw more than the amount appropriated in
25 26 this subsection and incur a negative cash balance as
25 27 long as there are receivables equal to or greater than
25 28 the negative balance and the amount appropriated in
25 29 this subsection is not exceeded at the close of the
25 30 fiscal year.

25 31 2. The Iowa law enforcement academy may select
25 32 at least five automobiles of the department of public
25 33 safety, division of state patrol, prior to turning over
25 34 the automobiles to the department of administrative
25 35 services to be disposed of by public auction, and
25 36 the Iowa law enforcement academy may exchange any
25 37 automobile owned by the academy for each automobile
25 38 selected if the selected automobile is used in training
25 39 law enforcement officers at the academy. However,
25 40 any automobile exchanged by the academy shall be
25 41 substituted for the selected vehicle of the department
25 42 of public safety and sold by public auction with the
25 43 receipts being deposited in the depreciation fund to
25 44 the credit of the department of public safety, division
25 45 of state patrol.

25 46 Sec. 41. STATE PUBLIC DEFENDER. There is
25 47 appropriated from the general fund of the state to the
25 48 office of the state public defender of the department
25 49 of inspections and appeals for the fiscal year
25 50 beginning July 1, 2012, and ending June 30, 2013, the



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26 1 following amounts, or so much thereof as is necessary,
26 2 to be allocated as follows for the purposes designated:
26 3 1. For salaries, support, maintenance,
26 4 miscellaneous purposes, and for not more than the
26 5 following full-time equivalent positions:
26 6 \$ 12,041,591
26 7 FTEs 219.00
26 8 2. For the fees of court-appointed attorneys for
26 9 indigent adults and juveniles, in accordance with
26 10 section 232.141 and chapter 815:
26 11 \$ 15,840,465
26 12 Sec. 42. BOARD OF PAROLE. There is appropriated
26 13 from the general fund of the state to the board of
26 14 parole for the fiscal year beginning July 1, 2012, and
26 15 ending June 30, 2013, the following amount, or so much
26 16 thereof as is necessary, to be used for the purposes
26 17 designated:
26 18 For salaries, support, maintenance, miscellaneous
26 19 purposes, and for not more than the following full-time
26 20 equivalent positions:
26 21 \$ 526,918
26 22 FTEs 12.50
26 23 Sec. 43. DEPARTMENT OF PUBLIC DEFENSE. There is
26 24 appropriated from the general fund of the state to
26 25 the department of public defense for the fiscal year
26 26 beginning July 1, 2012, and ending June 30, 2013, the
26 27 following amounts, or so much thereof as is necessary,
26 28 to be used for the purposes designated:
26 29 1. MILITARY DIVISION
26 30 For salaries, support, maintenance, miscellaneous
26 31 purposes, and for not more than the following full-time
26 32 equivalent positions:
26 33 \$ 2,763,521
26 34 FTEs 313.00
26 35 The military division may temporarily exceed
26 36 and draw more than the amount appropriated in this
26 37 subsection and incur a negative cash balance as long
26 38 as there are receivables of federal funds equal to
26 39 or greater than the negative balance and the amount
26 40 appropriated in this subsection is not exceeded at the
26 41 close of the fiscal year.
26 42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
26 43 DIVISION
26 44 For salaries, support, maintenance, miscellaneous
26 45 purposes, and for not more than the following full-time
26 46 equivalent positions:
26 47 \$ 918,439
26 48 FTEs 40.00
26 49 a. The homeland security and emergency management
26 50 division may temporarily exceed and draw more than the



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27 1 amount appropriated in this subsection and incur a
27 2 negative cash balance as long as there are receivables
27 3 of federal funds equal to or greater than the negative
27 4 balance and the amount appropriated in this subsection
27 5 is not exceeded at the close of the fiscal year.

27 6 b. It is the intent of the general assembly that
27 7 the homeland security and emergency management division
27 8 work in conjunction with the department of public
27 9 safety, to the extent possible, when gathering and
27 10 analyzing information related to potential domestic
27 11 or foreign security threats, and when monitoring such
27 12 threats.

27 13 Sec. 44. DEPARTMENT OF PUBLIC SAFETY. There is
27 14 appropriated from the general fund of the state to
27 15 the department of public safety for the fiscal year
27 16 beginning July 1, 2012, and ending June 30, 2013, the
27 17 following amounts, or so much thereof as is necessary,
27 18 to be used for the purposes designated:

27 19 1. For the department's administrative functions,
27 20 including the criminal justice information system, and
27 21 for not more than the following full-time equivalent
27 22 positions:

27 23	\$	2,003,538
27 24	FTEs	36.00

27 25 2. For the division of criminal investigation,
27 26 including the state's contribution to the peace
27 27 officers' retirement, accident, and disability system
27 28 provided in chapter 97A in the amount of the state's
27 29 normal contribution rate, as defined in section
27 30 97A.8, multiplied by the salaries for which the
27 31 funds are appropriated, to meet federal fund matching
27 32 requirements, and for not more than the following
27 33 full-time equivalent positions:

27 34	\$	6,266,966
27 35	FTEs	159.10

27 36 The department shall employ one additional special
27 37 agent and one additional criminalist for the purpose
27 38 of investigating cold cases. Prior to employing the
27 39 additional special agent and criminalist authorized
27 40 in this paragraph, the department shall provide a
27 41 written statement to prospective employees that states
27 42 to the effect that the positions are being funded by
27 43 a temporary federal grant and there are no assurances
27 44 that funds from other sources will be available after
27 45 the federal funding expires. If the federal funding
27 46 for the additional positions expires during the fiscal
27 47 year, the number of full-time equivalent positions
27 48 authorized in this subsection is reduced by 2.00 FTEs.

27 49 3. For the criminalistics laboratory fund created
27 50 in section 691.9:



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Senate Amendment 3353 continued

28 1	\$	151,173
28 2 4. a. For the division of narcotics enforcement,		
28 3 including the state's contribution to the peace		
28 4 officers' retirement, accident, and disability system		
28 5 provided in chapter 97A in the amount of the state's		
28 6 normal contribution rate, as defined in section		
28 7 97A.8, multiplied by the salaries for which the		
28 8 funds are appropriated, to meet federal fund matching		
28 9 requirements, and for not more than the following		
28 10 full-time equivalent positions:		
28 11	\$	3,176,673
28 12	FTEs	74.00
28 13 b. For the division of narcotics enforcement for		
28 14 undercover purchases:		
28 15	\$	54,521
28 16 5. For the division of state fire marshal, for fire		
28 17 protection services as provided through the state fire		
28 18 service and emergency response council as created in		
28 19 the department, and for the state's contribution to the		
28 20 peace officers' retirement, accident, and disability		
28 21 system provided in chapter 97A in the amount of the		
28 22 state's normal contribution rate, as defined in section		
28 23 97A.8, multiplied by the salaries for which the funds		
28 24 are appropriated, and for not more than the following		
28 25 full-time equivalent positions:		
28 26	\$	2,149,354
28 27	FTEs	55.00
28 28 6. For the division of state patrol, for salaries,		
28 29 support, maintenance, workers' compensation costs,		
28 30 and miscellaneous purposes, including the state's		
28 31 contribution to the peace officers' retirement,		
28 32 accident, and disability system provided in chapter 97A		
28 33 in the amount of the state's normal contribution rate,		
28 34 as defined in section 97A.8, multiplied by the salaries		
28 35 for which the funds are appropriated, and for not more		
28 36 than the following full-time equivalent positions:		
28 37	\$	25,951,617
28 38	FTEs	513.00
28 39 It is the intent of the general assembly that		
28 40 members of the state patrol be assigned to patrol		
28 41 the highways and roads in lieu of assignments for		
28 42 inspecting school buses for the school districts.		
28 43 7. For deposit in the sick leave benefits fund		
28 44 established under section 80.42 for all departmental		
28 45 employees eligible to receive benefits for accrued sick		
28 46 leave under the collective bargaining agreement:		
28 47	\$	139,759
28 48 8. For costs associated with the training and		
28 49 equipment needs of volunteer fire fighters:		
28 50	\$	362,760



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Senate Amendment 3353 continued

29 1 a. Notwithstanding section 8.33, moneys
29 2 appropriated in this subsection that remain
29 3 unencumbered or unobligated at the close of the fiscal
29 4 year shall not revert but shall remain available for
29 5 expenditure only for the purpose designated in this
29 6 subsection until the close of the succeeding fiscal
29 7 year.

29 8 b. Notwithstanding section 8.39, within the
29 9 moneys appropriated in this section, the department
29 10 of public safety may reallocate moneys as necessary
29 11 to best fulfill the needs provided for in the
29 12 appropriation. However, the department shall not
29 13 reallocate an appropriation made to the department
29 14 in this section unless notice of the reallocation
29 15 is given to the legislative services agency and
29 16 the department of management prior to the effective
29 17 date of the reallocation. The notice shall include
29 18 information regarding the rationale for reallocating
29 19 the appropriation. The department shall not reallocate
29 20 an appropriation made in this section for the purpose
29 21 of eliminating any program.

29 22 Sec. 45. GAMING ENFORCEMENT.

29 23 1. There is appropriated from the gaming
29 24 enforcement revolving fund created in section 80.43 to
29 25 the department of public safety for the fiscal year
29 26 beginning July 1, 2012, and ending June 30, 2013, the
29 27 following amount, or so much thereof as is necessary,
29 28 to be used for the purposes designated:

29 29 For any direct and indirect support costs for
29 30 agents and officers of the division of criminal
29 31 investigation's excursion gambling boat, gambling
29 32 structure, and racetrack enclosure enforcement
29 33 activities, including salaries, support, maintenance,
29 34 miscellaneous purposes, and for not more than the
29 35 following full-time equivalent positions:
29 36 \$ 4,918,153
29 37 FTEs 120.00

29 38 2. For each additional license to conduct gambling
29 39 games on an excursion gambling boat, gambling
29 40 structure, or racetrack enclosure issued during
29 41 the fiscal year beginning July 1, 2012, there is
29 42 appropriated from the gaming enforcement fund to
29 43 the department of public safety for the fiscal year
29 44 beginning July 1, 2012, and ending June 30, 2013, an
29 45 additional amount of not more than \$521,000 to be used
29 46 for not more than 6.00 additional full-time equivalent
29 47 positions.

29 48 3. The department of public safety, with the
29 49 approval of the department of management, may employ
29 50 no more than two special agents and four gaming



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30 1 enforcement officers for each additional riverboat
30 2 or gambling structure regulated after July 1, 2012,
30 3 and one special agent for each racing facility which
30 4 becomes operational during the fiscal year which
30 5 begins July 1, 2012. One additional gaming enforcement
30 6 officer, up to a total of four per riverboat or
30 7 gambling structure, may be employed for each riverboat
30 8 or gambling structure that has extended operations to
30 9 24 hours and has not previously operated with a 24-hour
30 10 schedule. Positions authorized in this subsection
30 11 are in addition to the full-time equivalent positions
30 12 otherwise authorized in this section.

30 13 Sec. 46. CIVIL RIGHTS COMMISSION. There is
30 14 appropriated from the general fund of the state to the
30 15 Iowa state civil rights commission for the fiscal year
30 16 beginning July 1, 2012, and ending June 30, 2013, the
30 17 following amount, or so much thereof as is necessary,
30 18 to be used for the purposes designated:

30 19 For salaries, support, maintenance, miscellaneous
30 20 purposes, and for not more than the following full-time
30 21 equivalent positions:

30 22	\$	698,535
30 23	FTEs	28.00

30 24 The Iowa state civil rights commission may enter
30 25 into a contract with a nonprofit organization to
30 26 provide legal assistance to resolve civil rights
30 27 complaints.

30 28 Sec. 47. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
30 29 DIVISION. There is appropriated from the wireless
30 30 E911 emergency communications fund created in section
30 31 34A.7A to the administrator of the homeland security
30 32 and emergency management division of the department of
30 33 public defense for the fiscal year beginning July 1,
30 34 2012, and ending June 30, 2013, an amount not exceeding
30 35 \$200,000 to be used for implementation, support, and
30 36 maintenance of the functions of the administrator and
30 37 program manager under chapter 34A and to employ the
30 38 auditor of the state to perform an annual audit of the
30 39 wireless E911 emergency communications fund.

30 40 Sec. 48. CORRECTIONAL OFFICER AND PEACE OFFICER
30 41 POSITIONS ==== PRIORITY. As a condition of receiving
30 42 an appropriation in this division of this Act, the
30 43 department of corrections and the department of public
30 44 safety shall make every effort to preserve correctional
30 45 officer and peace officer positions through the
30 46 reduction of administrative and related overhead costs.

30 47 DIVISION III

30 48 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
30 49 APPLICABILITY

30 50 Sec. 49. EFFECTIVE DATE AND RETROACTIVE



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Senate Amendment 3353 continued

31 1 APPLICABILITY. Unless otherwise provided, this Act,
31 2 if approved by the governor on or after July 1, 2011,
31 3 takes effect upon enactment and applies retroactively
31 4 to July 1, 2011.>
31 5 #2. Title page, line 2, after <system> by inserting
31 6 <, providing penalties, and including effective and
31 7 retroactive applicability date provisions>

TOM HANCOCK
S3233.3346 (4) 84
jm/jp



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate File 536 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1214)

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department
3 of transportation, including allocation and use of moneys
4 from the road use tax fund and the primary road fund and
5 including conditional retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2822SV (1) 84
dea/tm



Iowa General Assembly
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Senate File 536 - Introduced continued

PAG LIN

1	1	
1	2	DIVISION I
1	3	TRANSPORTATION
1	4	FY 2011=2012
1	5	Section 1. ROAD USE TAX FUND. There is appropriated
1	6	from the road use tax fund created in section 312.1 to the
1	7	department of transportation for the fiscal year beginning July
1	8	1, 2011, and ending June 30, 2012, the following amounts, or
1	9	so much thereof as is necessary, to be used for the purposes
1	10	designated:
1	11	1. For the payment of costs associated with the production
1	12	of driver's licenses, as defined in section 321.1, subsection
1	13	20A:
1	14	..... \$ 3,876,000
1	15	Notwithstanding section 8.33, moneys appropriated in this
1	16	subsection that remain unencumbered or unobligated at the close
1	17	of the fiscal year shall not revert but shall remain available
1	18	for expenditure for the purposes specified in this subsection
1	19	until the close of the succeeding fiscal year.
1	20	2. For salaries, support, maintenance, and miscellaneous
1	21	purposes:
1	22	a. Operations:
1	23	..... \$ 6,570,000
1	24	b. Planning:
1	25	..... \$ 458,000
1	26	c. Motor vehicles:
1	27	..... \$ 33,921,000
1	28	3. For payments to the department of administrative
1	29	services for utility services:
1	30	..... \$ 225,000
1	31	4. Unemployment compensation:
1	32	..... \$ 7,000
1	33	5. For payments to the department of administrative
1	34	services for paying workers' compensation claims under chapter
1	35	85 on behalf of employees of the department of transportation:
	 \$ 119,000



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Senate File 536 - Introduced continued

2 1 6. For payment to the general fund of the state for indirect
2 2 cost recoveries:
2 3 \$ 78,000
2 4 7. For reimbursement to the auditor of state for audit
2 5 expenses as provided in section 11.5B:
2 6 \$ 67,319
2 7 8. For automation, telecommunications, and related costs
2 8 associated with the county issuance of driver's licenses and
2 9 vehicle registrations and titles:
2 10 \$ 1,406,000
2 11 9. For transfer to the department of public safety for
2 12 operating a system providing toll-free telephone road and
2 13 weather conditions information:
2 14 \$ 100,000
2 15 10. For costs associated with the participation in the
2 16 Mississippi river parkway commission:
2 17 \$ 40,000
2 18 11. For motor vehicle division field facility maintenance
2 19 projects at various locations:
2 20 \$ 200,000
2 21 12. For scale replacement projects at various locations:
2 22 \$ 550,000
2 23 For purposes of section 8.33, unless specifically provided
2 24 otherwise, moneys appropriated in subsections 11 and 12 that
2 25 remain unencumbered or unobligated shall not revert but shall
2 26 remain available for expenditure for the purposes designated
2 27 until the close of the fiscal year that ends three years after
2 28 the end of the fiscal year for which the appropriation was
2 29 made. However, if the projects for which the appropriation
2 30 was made are completed in an earlier fiscal year, unencumbered
2 31 or unobligated moneys shall revert at the close of that same
2 32 fiscal year.
2 33 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
2 34 primary road fund created in section 313.3 to the department of
2 35 transportation for the fiscal year beginning July 1, 2011, and



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Senate File 536 - Introduced continued

3 1 ending June 30, 2012, the following amounts, or so much thereof
3 2 as is necessary, to be used for the purposes designated:
3 3 1. For salaries, support, maintenance, miscellaneous
3 4 purposes, and for not more than the following full-time
3 5 equivalent positions:
3 6 a. Operations:
3 7 \$ 40,356,529
3 8 FTEs 296.00
3 9 b. Planning:
3 10 \$ 8,697,095
3 11 FTEs 121.00
3 12 c. Highways:
3 13 \$230,913,992
3 14 FTEs 2,247.00
3 15 d. Motor vehicles:
3 16 \$ 1,413,540
3 17 FTEs 445.00
3 18 2. For payments to the department of administrative
3 19 services for utility services:
3 20 \$ 1,388,000
3 21 3. Unemployment compensation:
3 22 \$ 138,000
3 23 4. For payments to the department of administrative
3 24 services for paying workers' compensation claims under
3 25 chapter 85 on behalf of the employees of the department of
3 26 transportation:
3 27 \$ 2,846,000
3 28 5. For disposal of hazardous wastes from field locations and
3 29 the central complex:
3 30 \$ 800,000
3 31 6. For payment to the general fund of the state for indirect
3 32 cost recoveries:
3 33 \$ 572,000
3 34 7. For reimbursement to the auditor of state for audit
3 35 expenses as provided in section 11.5B:



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Daily Bills, Amendments & Study Bills

Senate File 536 - Introduced continued

4 1 \$ 415,181
4 2 8. For costs associated with producing transportation maps:
4 3 \$ 242,000
4 4 9. For inventory and equipment replacement:
4 5 \$ 5,366,000
4 6 10. For utility improvements at various locations:
4 7 \$ 400,000
4 8 11. For roofing projects at various locations:
4 9 \$ 200,000
4 10 12. For heating, cooling, and exhaust system improvements
4 11 at various locations:
4 12 \$ 400,000
4 13 13. For deferred maintenance projects at field facilities
4 14 throughout the state:
4 15 \$ 1,000,000
4 16 14. For elevator upgrades at the Ames complex:
4 17 \$ 100,000
4 18 15. For wastewater treatment improvements at various
4 19 locations:
4 20 \$ 1,000,000
4 21 16. For replacement of the Swea City garage:
4 22 \$ 2,100,000
4 23 For purposes of section 8.33, unless specifically provided
4 24 otherwise, moneys appropriated in subsections 10 through 16
4 25 that remain unencumbered or unobligated shall not revert
4 26 but shall remain available for expenditure for the purposes
4 27 designated until the close of the fiscal year that ends
4 28 three years after the end of the fiscal year for which the
4 29 appropriation was made. However, if the project or projects
4 30 for which such appropriation was made are completed in an
4 31 earlier fiscal year, unencumbered or unobligated moneys shall
4 32 revert at the close of that same fiscal year.
4 33 DIVISION II
4 34 TRANSPORTATION
4 35 FY 2012=2013



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Senate File 536 - Introduced continued

5 1 Sec. 3. ROAD USE TAX FUND. There is appropriated from the
5 2 road use tax fund created in section 312.1 to the department of
5 3 transportation for the fiscal year beginning July 1, 2012, and
5 4 ending June 30, 2013, the following amounts, or so much thereof
5 5 as is necessary, to be used for the purposes designated:
5 6 1. For the payment of costs associated with the production
5 7 of driver's licenses, as defined in section 321.1, subsection
5 8 20A:
5 9 \$ 3,876,000
5 10 Notwithstanding section 8.33, moneys appropriated in this
5 11 subsection that remain unencumbered or unobligated at the close
5 12 of the fiscal year shall not revert but shall remain available
5 13 for expenditure for the purposes specified in this subsection
5 14 until the close of the succeeding fiscal year.
5 15 2. For salaries, support, maintenance, and miscellaneous
5 16 purposes:
5 17 a. Operations:
5 18 \$ 3,285,000
5 19 b. Planning:
5 20 \$ 229,000
5 21 c. Motor vehicles:
5 22 \$ 16,960,500
5 23 3. For payments to the department of administrative
5 24 services for utility services:
5 25 \$ 112,500
5 26 4. Unemployment compensation:
5 27 \$ 3,500
5 28 5. For payments to the department of administrative
5 29 services for paying workers' compensation claims under chapter
5 30 85 on behalf of employees of the department of transportation:
5 31 \$ 59,500
5 32 6. For payment to the general fund of the state for indirect
5 33 cost recoveries:
5 34 \$ 39,000
5 35 7. For reimbursement to the auditor of state for audit



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 536 - Introduced continued

6 1 expenses as provided in section 11.5B:
6 2 \$ 33,660
6 3 8. For automation, telecommunications, and related costs
6 4 associated with the county issuance of driver's licenses and
6 5 vehicle registrations and titles:
6 6 \$ 703,000
6 7 9. For transfer to the department of public safety for
6 8 operating a system providing toll-free telephone road and
6 9 weather conditions information:
6 10 \$ 50,000
6 11 10. For costs associated with the participation in the
6 12 Mississippi river parkway commission:
6 13 \$ 20,000
6 14 11. For motor vehicle division field facility maintenance
6 15 projects at various locations:
6 16 \$ 200,000
6 17 12. For scale replacement projects at various locations:
6 18 \$ 550,000
6 19 For purposes of section 8.33, unless specifically provided
6 20 otherwise, moneys appropriated in subsections 11 and 12 that
6 21 remain unencumbered or unobligated shall not revert but shall
6 22 remain available for expenditure for the purposes designated
6 23 until the close of the fiscal year that ends three years after
6 24 the end of the fiscal year for which the appropriation was
6 25 made. However, if the projects for which the appropriation
6 26 was made are completed in an earlier fiscal year, unencumbered
6 27 or unobligated moneys shall revert at the close of that same
6 28 fiscal year.
6 29 Sec. 4. PRIMARY ROAD FUND. There is appropriated from the
6 30 primary road fund created in section 313.3 to the department of
6 31 transportation for the fiscal year beginning July 1, 2012, and
6 32 ending June 30, 2013, the following amounts, or so much thereof
6 33 as is necessary, to be used for the purposes designated:
6 34 1. For salaries, support, maintenance, miscellaneous
6 35 purposes, and for not more than the following full-time



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Senate File 536 - Introduced continued

7	1	equivalent positions:		
7	2	a. Operations:		
7	3	.....	\$	20,178,265
7	4	.....	FTEs	296.00
7	5	b. Planning:		
7	6	.....	\$	4,348,548
7	7	.....	FTEs	121.00
7	8	c. Highways:		
7	9	.....	\$	115,456,996
7	10	.....	FTEs	2,247.00
7	11	d. Motor vehicles:		
7	12	.....	\$	706,770
7	13	.....	FTEs	445.00
7	14	2. For payments to the department of administrative		
7	15	services for utility services:		
7	16	.....	\$	694,000
7	17	3. Unemployment compensation:		
7	18	.....	\$	69,000
7	19	4. For payments to the department of administrative		
7	20	services for paying workers' compensation claims under		
7	21	chapter 85 on behalf of the employees of the department of		
7	22	transportation:		
7	23	.....	\$	1,423,000
7	24	5. For disposal of hazardous wastes from field locations and		
7	25	the central complex:		
7	26	.....	\$	400,000
7	27	6. For payment to the general fund of the state for indirect		
7	28	cost recoveries:		
7	29	.....	\$	286,000
7	30	7. For reimbursement to the auditor of state for audit		
7	31	expenses as provided in section 11.5B:		
7	32	.....	\$	207,591
7	33	8. For costs associated with producing transportation maps:		
7	34	\$	121,000
7	35	9. For inventory and equipment replacement:		



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Daily Bills, Amendments & Study Bills**

Senate File 536 - Introduced continued

8 1 \$ 2,683,000
8 2 10. For utility improvements at various locations:
8 3 \$ 400,000
8 4 11. For roofing projects at various locations:
8 5 \$ 200,000
8 6 12. For heating, cooling, and exhaust system improvements
8 7 at various locations:
8 8 \$ 200,000
8 9 13. For deferred maintenance projects at field facilities
8 10 throughout the state:
8 11 \$ 1,000,000
8 12 14. For wastewater treatment improvements at various
8 13 locations:
8 14 \$ 1,000,000
8 15 15. For replacement of the New Hampton combined facility:
8 16 \$ 5,200,000
8 17 For purposes of section 8.33, unless specifically provided
8 18 otherwise, moneys appropriated in subsections 10 through 15
8 19 that remain unencumbered or unobligated shall not revert
8 20 but shall remain available for expenditure for the purposes
8 21 designated until the close of the fiscal year that ends
8 22 three years after the end of the fiscal year for which the
8 23 appropriation was made. However, if the project or projects
8 24 for which such appropriation was made are completed in an
8 25 earlier fiscal year, unencumbered or unobligated moneys shall
8 26 revert at the close of that same fiscal year.
8 27 DIVISION III
8 28 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY
8 29 Sec. 5. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
8 30 Unless otherwise provided, this Act, if approved by the
8 31 governor on or after July 1, 2011, takes effect upon enactment
8 32 and applies retroactively to July 1, 2011.
8 33 EXPLANATION
8 34 TRANSPORTATION ==== FY 2011=2012. This division makes
8 35 appropriations for FY 2011=2012 from the road use tax fund and



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Senate File 536 - Introduced continued

9 1 the primary road fund to the department of transportation for
9 2 support of ongoing operations and for various infrastructure
9 3 maintenance and improvement projects, including replacement of
9 4 the Swea City garage.

9 5 TRANSPORTATION ==== FY 2012=2013. This division makes
9 6 appropriations for FY 2012=2013 from the road use tax fund and
9 7 the primary road fund to the department of transportation for
9 8 support of ongoing operations and for various infrastructure
9 9 maintenance and improvement projects, including replacement of
9 10 the New Hampton combined facility.

9 11 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
9 12 Unless otherwise provided, the bill, if approved by the
9 13 governor on or after July 1, 2011, takes effect upon enactment
9 14 and applies retroactively to July 1, 2011.

LSB 2822SV (1) 84

dea/tm



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 537 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1213)

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch and including effective date and retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2821SV (1) 84
jm/jp



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate File 537 - Introduced continued

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1 1 DIVISION I
1 2 FY 2011=2012
1 3 Section 1. JUDICIAL BRANCH.
1 4 1. There is appropriated from the general fund of the state
1 5 to the judicial branch for the fiscal year beginning July 1,
1 6 2011, and ending June 30, 2012, the following amount, or so
1 7 much thereof as is necessary, to be used for the purposes
1 8 designated:
1 9 a. For salaries of supreme court justices, appellate court
1 10 judges, district court judges, district associate judges,
1 11 judicial magistrates and staff, state court administrator,
1 12 clerk of the supreme court, district court administrators,
1 13 clerks of the district court, juvenile court officers, board of
1 14 law examiners and board of examiners of shorthand reporters and
1 15 judicial qualifications commission; receipt and disbursement
1 16 of child support payments; reimbursement of the auditor
1 17 of state for expenses incurred in completing audits of the
1 18 offices of the clerks of the district court during the fiscal
1 19 year beginning July 1, 2011; and maintenance, equipment, and
1 20 miscellaneous purposes:
1 21 \$154,111,822
1 22 b. For deposit in the revolving fund created pursuant
1 23 to section 602.1302, subsection 3, for jury and witness
1 24 fees, mileage, costs related to summoning jurors, fees for
1 25 interpreters, and reimbursement of attorney fees paid by the
1 26 state public defender:
1 27 \$ 2,300,000
1 28 2. The judicial branch, except for purposes of internal
1 29 processing, shall use the current state budget system, the
1 30 state payroll system, and the Iowa finance and accounting
1 31 system in administration of programs and payments for services,
1 32 and shall not duplicate the state payroll, accounting, and
1 33 budgeting systems.
1 34 3. The judicial branch shall submit monthly financial
1 35 statements to the legislative services agency and the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 537 - Introduced continued

2 1 department of management containing all appropriated accounts
2 2 in the same manner as provided in the monthly financial status
2 3 reports and personal services usage reports of the department
2 4 of administrative services. The monthly financial statements
2 5 shall include a comparison of the dollars and percentage
2 6 spent of budgeted versus actual revenues and expenditures on
2 7 a cumulative basis for full-time equivalent positions and
2 8 dollars.

2 9 4. The judicial branch shall focus efforts upon the
2 10 collection of delinquent fines, penalties, court costs, fees,
2 11 surcharges, or similar amounts.

2 12 5. It is the intent of the general assembly that the offices
2 13 of the clerks of the district court operate in all 99 counties
2 14 and be accessible to the public as much as is reasonably
2 15 possible in order to address the relative needs of the citizens
2 16 of each county.

2 17 6. In addition to the requirements for transfers under
2 18 section 8.39, the judicial branch shall not change the
2 19 appropriations from the amounts appropriated to the judicial
2 20 branch in this division of this Act, unless notice of the
2 21 revisions is given prior to their effective date to the
2 22 legislative services agency. The notice shall include
2 23 information on the branch's rationale for making the changes
2 24 and details concerning the workload and performance measures
2 25 upon which the changes are based.

2 26 7. The judicial branch shall submit a semiannual update
2 27 to the legislative services agency specifying the amounts of
2 28 fines, surcharges, and court costs collected using the Iowa
2 29 court information system since the last report. The judicial
2 30 branch shall continue to facilitate the sharing of vital
2 31 sentencing and other information with other state departments
2 32 and governmental agencies involved in the criminal justice
2 33 system through the Iowa court information system.

2 34 8. The judicial branch shall provide a report to the general
2 35 assembly by January 1, 2012, concerning the amounts received



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3 1 and expended from the enhanced court collections fund created
3 2 in section 602.1304 and the court technology and modernization
3 3 fund created in section 602.8108, subsection 7, during the
3 4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
3 5 and the plans for expenditures from each fund during the fiscal
3 6 year beginning July 1, 2011, and ending June 30, 2012. A copy
3 7 of the report shall be provided to the legislative services
3 8 agency.

3 9 9. The judicial branch is encouraged to purchase products
3 10 from Iowa state industries, as defined in section 904.802, when
3 11 purchases are required and the products are available from Iowa
3 12 state industries. The judicial branch shall obtain bids from
3 13 Iowa state industries for purchases of office furniture during
3 14 the fiscal year beginning July 1, 2011, exceeding \$5,000.

3 15 Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding any
3 16 provision to the contrary, for the fiscal year beginning July
3 17 1, 2011, and ending June 30, 2012, if all parties in a case
3 18 agree, a civil trial including a jury trial may take place in a
3 19 county contiguous to the county with proper jurisdiction, even
3 20 if the contiguous county is located in an adjacent judicial
3 21 district or judicial election district. If the trial is moved
3 22 pursuant to this section, court personnel shall treat the case
3 23 as if a change of venue occurred. However, if a trial is moved
3 24 to an adjacent judicial district or judicial election district,
3 25 the judicial officers serving in the judicial district or
3 26 judicial election district receiving the case shall preside
3 27 over the case.

3 28 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
3 29 602.1509, for the fiscal year beginning July 1, 2011, a
3 30 judicial officer may waive travel reimbursement for any travel
3 31 outside the judicial officer's county of residence to conduct
3 32 official judicial business.

3 33 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ====
3 34 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 35 required to be provided by the judicial branch for fiscal year



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 537 - Introduced continued

4 1 2011=2012 to the legislative services agency shall be provided
4 2 in an electronic format. The legislative services agency shall
4 3 post the reports on its internet website and shall notify by
4 4 electronic means all the members of the joint appropriations
4 5 subcommittee on the justice system when a report is posted.
4 6 Upon request, copies of the reports may be mailed to members of
4 7 the joint appropriations subcommittee on the justice system.
4 8 Sec. 5. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding
4 9 the annual salary rates for judicial officers established by
4 10 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
4 11 beginning July 1, 2011, and ending June 30, 2012, the supreme
4 12 court may by order place all judicial officers on unpaid leave
4 13 status on any day employees of the judicial branch are placed
4 14 on temporary layoff status. The biweekly pay of the judicial
4 15 officers shall be reduced accordingly for the pay period in
4 16 which the unpaid leave date occurred in the same manner as
4 17 for noncontract employees of the judicial branch. Through
4 18 the course of the fiscal year, the judicial branch may use an
4 19 amount equal to the aggregate amount of salary reductions due
4 20 to the judicial officer unpaid leave days for any purpose other
4 21 than for judicial salaries.
4 22 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
4 23 of the general assembly that the judicial branch utilize
4 24 the Iowa communications network or other secure electronic
4 25 communications in lieu of traveling for the fiscal year
4 26 beginning July 1, 2011.
4 27 Sec. 7. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This
4 28 division of this Act, if approved by the governor on or
4 29 after July 1, 2011, takes effect upon enactment and applies
4 30 retroactively to July 1, 2011.
4 31 DIVISION II
4 32 FY 2012=2013
4 33 Sec. 8. JUDICIAL BRANCH.
4 34 1. There is appropriated from the general fund of the state
4 35 to the judicial branch for the fiscal year beginning July 1,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 537 - Introduced continued

5 1 2012, and ending June 30, 2013, the following amount, or so
5 2 much thereof as is necessary, to be used for the purposes
5 3 designated:
5 4 a. For salaries of supreme court justices, appellate court
5 5 judges, district court judges, district associate judges,
5 6 judicial magistrates and staff, state court administrator,
5 7 clerk of the supreme court, district court administrators,
5 8 clerks of the district court, juvenile court officers, board of
5 9 law examiners and board of examiners of shorthand reporters and
5 10 judicial qualifications commission; receipt and disbursement
5 11 of child support payments; reimbursement of the auditor
5 12 of state for expenses incurred in completing audits of the
5 13 offices of the clerks of the district court during the fiscal
5 14 year beginning July 1, 2012; and maintenance, equipment, and
5 15 miscellaneous purposes:
5 16 \$ 77,055,911
5 17 b. For deposit in the revolving fund created pursuant
5 18 to section 602.1302, subsection 3, for jury and witness
5 19 fees, mileage, costs related to summoning jurors, fees for
5 20 interpreters, and reimbursement of attorney fees paid by the
5 21 state public defender:
5 22 \$ 1,150,000
5 23 2. The judicial branch, except for purposes of internal
5 24 processing, shall use the current state budget system, the
5 25 state payroll system, and the Iowa finance and accounting
5 26 system in administration of programs and payments for services,
5 27 and shall not duplicate the state payroll, accounting, and
5 28 budgeting systems.
5 29 3. The judicial branch shall submit monthly financial
5 30 statements to the legislative services agency and the
5 31 department of management containing all appropriated accounts
5 32 in the same manner as provided in the monthly financial status
5 33 reports and personal services usage reports of the department
5 34 of administrative services. The monthly financial statements
5 35 shall include a comparison of the dollars and percentage



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Senate File 537 - Introduced continued

6 1 spent of budgeted versus actual revenues and expenditures on
6 2 a cumulative basis for full-time equivalent positions and
6 3 dollars.
6 4 4. The judicial branch shall focus efforts upon the
6 5 collection of delinquent fines, penalties, court costs, fees,
6 6 surcharges, or similar amounts.
6 7 5. It is the intent of the general assembly that the offices
6 8 of the clerks of the district court operate in all 99 counties
6 9 and be accessible to the public as much as is reasonably
6 10 possible in order to address the relative needs of the citizens
6 11 of each county.
6 12 6. In addition to the requirements for transfers under
6 13 section 8.39, the judicial branch shall not change the
6 14 appropriations from the amounts appropriated to the judicial
6 15 branch in this division of this Act, unless notice of the
6 16 revisions is given prior to their effective date to the
6 17 legislative services agency. The notice shall include
6 18 information on the branch's rationale for making the changes
6 19 and details concerning the workload and performance measures
6 20 upon which the changes are based.
6 21 7. The judicial branch shall submit a semiannual update
6 22 to the legislative services agency specifying the amounts of
6 23 fines, surcharges, and court costs collected using the Iowa
6 24 court information system since the last report. The judicial
6 25 branch shall continue to facilitate the sharing of vital
6 26 sentencing and other information with other state departments
6 27 and governmental agencies involved in the criminal justice
6 28 system through the Iowa court information system.
6 29 8. The judicial branch shall provide a report to the general
6 30 assembly by January 1, 2013, concerning the amounts received
6 31 and expended from the enhanced court collections fund created
6 32 in section 602.1304 and the court technology and modernization
6 33 fund created in section 602.8108, subsection 7, during the
6 34 fiscal year beginning July 1, 2011, and ending June 30, 2012,
6 35 and the plans for expenditures from each fund during the fiscal



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Senate File 537 - Introduced continued

7 1 year beginning July 1, 2012, and ending June 30, 2013. A copy
7 2 of the report shall be provided to the legislative services
7 3 agency.
7 4 9. The judicial branch is encouraged to purchase products
7 5 from Iowa state industries, as defined in section 904.802, when
7 6 purchases are required and the products are available from Iowa
7 7 state industries. The judicial branch shall obtain bids from
7 8 Iowa state industries for purchases of office furniture during
7 9 the fiscal year beginning July 1, 2012, exceeding \$5,000.
7 10 Sec. 9. CIVIL TRIALS ==== LOCATION.
7 11 Notwithstanding any provision to the contrary, for the fiscal
7 12 year beginning July 1, 2012, and ending June 30, 2013, if
7 13 all parties in a case agree, a civil trial including a jury
7 14 trial may take place in a county contiguous to the county
7 15 with proper jurisdiction, even if the contiguous county is
7 16 located in an adjacent judicial district or judicial election
7 17 district. If the trial is moved pursuant to this section,
7 18 court personnel shall treat the case as if a change of venue
7 19 occurred. However, if a trial is moved to an adjacent judicial
7 20 district or judicial election district, the judicial officers
7 21 serving in the judicial district or judicial election district
7 22 receiving the case shall preside over the case.
7 23 Sec. 10. TRAVEL REIMBURSEMENT. Notwithstanding section
7 24 602.1509, for the fiscal year beginning July 1, 2012, a
7 25 judicial officer may waive travel reimbursement for any travel
7 26 outside the judicial officer's county of residence to conduct
7 27 official judicial business.
7 28 Sec. 11. POSTING OF REPORTS IN ELECTRONIC FORMAT ====
7 29 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
7 30 required to be provided by the judicial branch for fiscal year
7 31 2012=2013 to the legislative services agency shall be provided
7 32 in an electronic format. The legislative services agency shall
7 33 post the reports on its internet website and shall notify by
7 34 electronic means all the members of the joint appropriations
7 35 subcommittee on the justice system when a report is posted.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 537 - Introduced continued

8 1 Upon request, copies of the reports may be mailed to members of
8 2 the joint appropriations subcommittee on the justice system.
8 3 Sec. 12. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding
8 4 the annual salary rates for judicial officers established by
8 5 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
8 6 beginning July 1, 2012, and ending June 30, 2013, the supreme
8 7 court may by order place all judicial officers on unpaid leave
8 8 status on any day employees of the judicial branch are placed
8 9 on temporary layoff status. The biweekly pay of the judicial
8 10 officers shall be reduced accordingly for the pay period in
8 11 which the unpaid leave date occurred in the same manner as
8 12 for noncontract employees of the judicial branch. Through
8 13 the course of the fiscal year, the judicial branch may use an
8 14 amount equal to the aggregate amount of salary reductions due
8 15 to the judicial officer unpaid leave days for any purpose other
8 16 than for judicial salaries.
8 17 Sec. 13. IOWA COMMUNICATIONS NETWORK. It is the intent
8 18 of the general assembly that the judicial branch utilize
8 19 the Iowa communications network or other secure electronic
8 20 communications in lieu of traveling for the fiscal year
8 21 beginning July 1, 2012.

8 22 EXPLANATION

8 23 This bill appropriates from the general fund of the state
8 24 for FY 2011=2012 and FY 2012=2013 to the judicial branch for
8 25 salaries, maintenance, equipment, and miscellaneous purposes.
8 26 The appropriations for FY 2011=2012 if approved by the
8 27 governor on or after July 1, 2011, take effect upon enactment
8 28 and apply retroactively to July 1, 2011.
8 29 The bill appropriates \$2.3 million from the general fund of
8 30 the state for FY 2011=2012 to the revolving fund created in
8 31 Code section 602.1302 for jury and witness fees, mileage, costs
8 32 related to summoning jurors, fees for interpreters, and certain
8 33 attorney fee reimbursement. The bill appropriates \$1.15
8 34 million from the general fund of the state to the revolving
8 35 fund for FY 2012=2013.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 537 - Introduced continued

9 1 The bill provides it is the intent of the general assembly
9 2 that the offices of the clerks of the district court operate
9 3 in all 99 counties and be accessible to the public as much as
9 4 is reasonably possible.

LSB 2821SV (1) 84

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate File 538 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1219)

A BILL FOR

1 An Act relating to the finances of state and local government
2 by providing for funding of property tax credits and
3 reimbursements, by making and adjusting appropriations,
4 providing for salaries and compensation of state employees,
5 providing for matters relating to tax credits, providing for
6 fees and penalties, providing for legal responsibilities,
7 and providing for properly related matters, and including
8 effective date and retroactive and other applicability
9 provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2824SV (1) 84
tm/jp



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Senate File 538 - Introduced continued

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1 1 DIVISION I
1 2 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2011=2012
1 3 Section 1. BUDGET PROCESS FOR FISCAL YEAR 2012=2013.
1 4 1. For the budget process applicable to the fiscal year
1 5 beginning July 1, 2012, on or before October 1, 2011, in lieu
1 6 of the information specified in section 8.23, subsection 1,
1 7 unnumbered paragraph 1, and paragraph "a", all departments and
1 8 establishments of the government shall transmit to the director
1 9 of the department of management, on blanks to be furnished by
1 10 the director, estimates of their expenditure requirements,
1 11 including every proposed expenditure, for the ensuing fiscal
1 12 year, together with supporting data and explanations as called
1 13 for by the director of the department of management after
1 14 consultation with the legislative services agency.
1 15 2. The estimates of expenditure requirements shall be
1 16 in a form specified by the director of the department of
1 17 management, and the expenditure requirements shall include all
1 18 proposed expenditures and shall be prioritized by program or
1 19 the results to be achieved. The estimates shall be accompanied
1 20 by performance measures for evaluating the effectiveness of the
1 21 programs or results.
1 22 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
1 23 Notwithstanding the standing appropriations in the following
1 24 designated sections for the fiscal year beginning July 1, 2011,
1 25 and ending June 30, 2012, the amounts appropriated from the
1 26 general fund of the state pursuant to these sections for the
1 27 following designated purposes shall not exceed the following
1 28 amounts:
1 29 1. For operational support grants and community cultural
1 30 grants under section 99F.11, subsection 3, paragraph "d",
1 31 subparagraph (1):
1 32 \$ 416,702
1 33 2. For regional tourism marketing under section 99F.11,
1 34 subsection 3, paragraph "d", subparagraph (2):
1 35 \$ 810,306



Iowa General Assembly
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Senate File 538 - Introduced continued

2 1 3. For the center for congenital and inherited disorders
2 2 central registry under section 144.13A, subsection 4, paragraph
2 3 "a":
2 4 \$ 171,121
2 5 4. For primary and secondary child abuse prevention
2 6 programs under section 144.13A, subsection 4, paragraph "a":
2 7 \$ 217,772
2 8 5. For programs for at-risk children under section 279.51:
2 9 \$ 10,728,891
2 10 The amount of any reduction in this subsection shall be
2 11 prorated among the programs specified in section 279.51,
2 12 subsection 1, paragraphs "a", "b", and "c".
2 13 6. For payment for nonpublic school transportation under
2 14 section 285.2:
2 15 \$ 7,060,931
2 16 If total approved claims for reimbursement for nonpublic
2 17 school pupil transportation exceed the amount appropriated in
2 18 accordance with this subsection, the department of education
2 19 shall prorate the amount of each approved claim.
2 20 7. For reimbursement for the homestead property tax credit
2 21 under section 425.1:
2 22 \$ 86,188,387
2 23 8. For reimbursement for the family farm and agricultural
2 24 land tax credits under sections 425A.1 and 426.1:
2 25 \$ 32,395,131
2 26 9. For the enforcement of chapter 453D relating to tobacco
2 27 product manufacturers under section 453D.8:
2 28 \$ 18,416
2 29 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID === FY 2011=2012. In
2 30 lieu of the appropriation provided in section 257.20,
2 31 subsection 2, the appropriation for the fiscal year
2 32 beginning July 1, 2011, and ending June 30, 2012, for paying
2 33 instructional support state aid under section 257.20 for fiscal
2 34 year 2011=2012 is zero.
2 35 Sec. 4. Section 256.30, unnumbered paragraph 1, Code 2011,



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Senate File 538 - Introduced continued

3 1 is amended by striking the unnumbered paragraph and inserting
3 2 in lieu thereof the following:
3 3 For the fiscal year beginning July 1, 2011, and ending
3 4 June 30, 2012, and for each succeeding fiscal year, there
3 5 is appropriated from the general fund of the state to the
3 6 department the sum of one hundred thousand dollars. The
3 7 department shall distribute the appropriation to the tribal
3 8 council of the Sac and Fox Indian settlement for expenses of
3 9 educating American Indian children residing in the Sac and Fox
3 10 Indian settlement on land held in trust by the secretary of
3 11 the interior of the United States in excess of federal moneys
3 12 paid to the tribal council for educating the American Indian
3 13 children when moneys are appropriated for that purpose. The
3 14 tribal council shall administer the moneys distributed pursuant
3 15 to this section and shall submit an annual report and other
3 16 reports as required by the department to the department on the
3 17 expenditure of the moneys.
3 18 Sec. 5. Section 257.35, Code 2011, is amended by adding the
3 19 following new subsection:
3 20 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
3 21 addition to the reduction applicable pursuant to subsection
3 22 2, the state aid for area education agencies and the portion
3 23 of the combined district cost calculated for these agencies
3 24 for the fiscal year beginning July 1, 2011, and ending June
3 25 30, 2012, shall be reduced by the department of management by
3 26 twenty million dollars. The reduction for each area education
3 27 agency shall be prorated based on the reduction that the agency
3 28 received in the fiscal year beginning July 1, 2003.
3 29 DIVISION II
3 30 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2011=2012
3 31 Sec. 6. APPOINTED STATE OFFICERS.
3 32 1. The governor shall establish a salary for appointed
3 33 nonelected persons in the executive branch of state government
3 34 holding a position enumerated in and within the salary
3 35 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 538 - Introduced continued

4 1 by considering, among other items, the experience of the
4 2 individual in the position, changes in the duties of the
4 3 position, the incumbent's performance of assigned duties, and
4 4 subordinates' salaries. However, the attorney general shall
4 5 establish the salary for the consumer advocate, the chief
4 6 justice of the supreme court shall establish the salary for the
4 7 state court administrator, the ethics and campaign disclosure
4 8 board shall establish the salary of the executive director, and
4 9 the Iowa public broadcasting board shall establish the salary
4 10 of the administrator of the public broadcasting division of the
4 11 department of education, each within the salary range provided
4 12 in 2008 Iowa Acts, chapter 1191, section 14.

4 13 2. The governor, in establishing salaries as provided in
4 14 this section, shall take into consideration other employee
4 15 benefits which may be provided for an individual including but
4 16 not limited to housing.

4 17 3. A person whose salary is established pursuant to this
4 18 section and who is a full-time, year-round employee of the
4 19 state shall not receive any other remuneration from the state
4 20 or from any other source for the performance of that person's
4 21 duties unless the additional remuneration is first approved by
4 22 the governor or authorized by law. However, this provision
4 23 does not exclude the reimbursement for necessary travel and
4 24 expenses incurred in the performance of duties or fringe
4 25 benefits normally provided to employees of the state.

4 26 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
4 27 various state departments, boards, commissions, councils,
4 28 and agencies, including the state board of regents, for
4 29 the fiscal year beginning July 1, 2011, and ending June 30,
4 30 2012, shall provide from available sources pay adjustments,
4 31 expense reimbursements, and related benefits to fully fund the
4 32 following:

4 33 1. The collective bargaining agreement negotiated pursuant
4 34 to chapter 20 for employees in the blue collar bargaining unit.

4 35 2. The collective bargaining agreement negotiated pursuant



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Daily Bills, Amendments & Study Bills**

Senate File 538 - Introduced continued

5 1 to chapter 20 for employees in the public safety bargaining
5 2 unit.
5 3 3. The collective bargaining agreement negotiated pursuant
5 4 to chapter 20 for employees in the security bargaining unit.
5 5 4. The collective bargaining agreement negotiated pursuant
5 6 to chapter 20 for employees in the technical bargaining unit.
5 7 5. The collective bargaining agreement negotiated pursuant
5 8 to chapter 20 for employees in the professional fiscal and
5 9 staff bargaining unit.
5 10 6. The collective bargaining agreement negotiated pursuant
5 11 to chapter 20 for employees in the clerical bargaining unit.
5 12 7. The collective bargaining agreement negotiated pursuant
5 13 to chapter 20 for employees in the professional social services
5 14 bargaining unit.
5 15 8. The collective bargaining agreement negotiated pursuant
5 16 to chapter 20 for employees in the community-based corrections
5 17 bargaining unit.
5 18 9. The collective bargaining agreements negotiated
5 19 pursuant to chapter 20 for employees in the judicial branch of
5 20 government bargaining units.
5 21 10. The collective bargaining agreement negotiated pursuant
5 22 to chapter 20 for employees in the patient care bargaining
5 23 unit.
5 24 11. The collective bargaining agreement negotiated pursuant
5 25 to chapter 20 for employees in the science bargaining unit.
5 26 12. The collective bargaining agreement negotiated pursuant
5 27 to chapter 20 for employees in the university of northern Iowa
5 28 faculty bargaining unit.
5 29 13. The collective bargaining agreement negotiated pursuant
5 30 to chapter 20 for employees in the state university of Iowa
5 31 graduate student bargaining unit.
5 32 14. The collective bargaining agreement negotiated pursuant
5 33 to chapter 20 for employees in the state university of Iowa
5 34 hospital and clinics tertiary health care bargaining unit.
5 35 15. The annual pay adjustments, related benefits, and



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6 1 expense reimbursements referred to in the sections of this
6 2 division of this Act addressing noncontract state and state
6 3 board of regents employees who are not covered by a collective
6 4 bargaining agreement.

6 5 Sec. 8. STATE EMPLOYEES ==== STATE BOARD OF REGENTS. For
6 6 the fiscal year beginning July 1, 2011, and ending June 30,
6 7 2012, funds shall be provided from available sources of the
6 8 state board of regents for funding of collective bargaining
6 9 agreements for state board of regents employees covered by
6 10 such agreements and for the following state board of regents
6 11 employees not covered by a collective bargaining agreement:

6 12 1. Regents merit system employees and merit supervisory
6 13 employees.

6 14 2. Faculty members and professional and scientific
6 15 employees.

6 16 Sec. 9. BONUS PAY. For the fiscal year beginning July 1,
6 17 2011, and ending June 30, 2012, employees of the executive
6 18 branch, judicial branch, and legislative branch shall not
6 19 receive bonus pay unless otherwise authorized by law, required
6 20 pursuant to a contract of employment entered into before July
6 21 1, 2011, or required pursuant to a collective bargaining
6 22 agreement. This section does not apply to employees of the
6 23 state board of regents. For purposes of this section, "bonus
6 24 pay" means any additional remuneration provided an employee in
6 25 the form of a bonus, including but not limited to a retention
6 26 bonus, recruitment bonus, exceptional job performance pay,
6 27 extraordinary job performance pay, exceptional performance pay,
6 28 extraordinary duty pay, or extraordinary or special duty pay,
6 29 and any extra benefit not otherwise provided to other similarly
6 30 situated employees.

6 31 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the fiscal
6 32 year beginning July 1, 2011, the sworn peace officers in the
6 33 department of public safety who are not covered by a collective
6 34 bargaining agreement negotiated pursuant to chapter 20 shall
6 35 receive the same per diem meal allowance as the sworn peace



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7 1 officers in the department of public safety who are covered
7 2 by a collective bargaining agreement negotiated pursuant to
7 3 chapter 20.
7 4 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary model
7 5 administrator shall work in conjunction with the legislative
7 6 services agency to maintain the state's salary model used for
7 7 analyzing, comparing, and projecting state employee salary
7 8 and benefit information, including information relating to
7 9 employees of the state board of regents. The department of
7 10 revenue, the department of administrative services, the five
7 11 institutions under the jurisdiction of the state board of
7 12 regents, the judicial district departments of correctional
7 13 services, and the state department of transportation shall
7 14 provide salary data to the department of management and the
7 15 legislative services agency to operate the state's salary
7 16 model. The format and frequency of provision of the salary
7 17 data shall be determined by the department of management and
7 18 the legislative services agency. The information shall be
7 19 used in collective bargaining processes under chapter 20 and
7 20 in calculating the funding needs contained within the annual
7 21 salary adjustment legislation. A state employee organization
7 22 as defined in section 20.3, subsection 4, may request
7 23 information produced by the model, but the information provided
7 24 shall not contain information attributable to individual
7 25 employees.

7 26 DIVISION III
7 27 PERFORMANCE OF DUTY

7 28 Sec. 12. Section 7D.10, Code 2011, is amended to read as
7 29 follows:

7 30 7D.10 Court costs.

7 31 If sufficient funds for court costs have not been
7 32 appropriated to a state department, or if sufficient funds are
7 33 not otherwise available for such purposes within the budget
7 34 of a state department, the executive council may ~~pay, out of~~
~~7 35 any money in the state treasury not otherwise appropriated,~~



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~~8 1~~ authorize, in accordance with section 7D.29, payment of
8 2 the expenses incurred, or costs taxed to the state, in any
8 3 proceeding brought by or against any of the state departments
8 4 or in which the state is a party or is interested. This section
8 5 shall not be construed to authorize the payment of travel or
8 6 other personal expenses of state officers or employees.
8 7 Sec. 13. Section 7D.10A, as amended by 2011 Iowa Acts,
8 8 Senate File 478, section 11, as enacted, is amended to read as
8 9 follows:
8 10 7D.10A ~~Allocation~~ Payment to livestock remediation fund.
8 11 If moneys are not sufficient to support the livestock
8 12 remediation fund as provided in chapter 459, subchapter V, the
8 13 executive council may ~~allocate from moneys in the general fund~~
~~8 14 of the state, which are not otherwise obligated or encumbered,~~
~~8 15~~ authorize as an expense subject to section 7D.29 the payment
8 16 of an amount to the livestock remediation fund as provided
8 17 under section 459.501, subsection 5. However, not more than a
8 18 total of one million dollars ~~shall be allocated~~ shall be paid
8 19 pursuant to this section to the livestock remediation fund at
8 20 any time.
8 21 Sec. 14. Section 7D.29, Code 2011, is amended to read as
8 22 follows:
8 23 7D.29 Performance of duty == expense.
8 24 1. The executive council shall not employ others, or ~~incur~~
~~8 25~~ authorize any expense, for the purpose of performing any duty
8 26 imposed upon the council when the duty may, without neglect
8 27 of their usual duties, be performed by the members, or by
8 28 their regular employees, but, subject to this limitation, the
8 29 council may ~~incur~~ authorize the necessary expense to perform or
8 30 cause to be performed any legal duty imposed on the council,
~~8 31 and pay the same out of any money in the state treasury not~~
~~8 32 otherwise appropriated. Such expenses authorized by the~~
8 33 executive council in accordance with this section shall be paid
8 34 as follows:
8 35 a. From the appropriation made from the Iowa economic



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9 1 emergency fund in section 8.55 for purposes of paying the
9 2 expenses authorized by the executive council under this
9 3 section.

9 4 b. To the extent the appropriation from the Iowa economic
9 5 emergency fund described in paragraph "a" is insufficient to
9 6 pay the expenses authorized by the executive council under this
9 7 section, there is appropriated from moneys in the general fund
9 8 of the state not otherwise appropriated the amount necessary to
9 9 fund the insufficiency.

9 10 2. At least two weeks prior to the executive council's
9 11 approval of a payment authorization under this section,
9 12 the secretary of the executive council shall notify the
9 13 legislative services agency that the authorization request
9 14 will be considered by the executive council and shall provide
9 15 background information justifying the request.

9 16 3. The executive council shall receive requests from the
9 17 Iowa department of public health relative to the purchase,
9 18 storing, and distribution of vaccines and medication for
9 19 prevention, prophylaxis, or treatment. Upon review and after
9 20 compliance with subsection 2, the executive council may approve
9 21 the request and may ~~incur~~ authorize payment of the necessary
9 22 expense ~~and pay the same out of any money in the state treasury~~
~~9 23 not otherwise appropriated.~~ The expense authorized by the
9 24 executive council under this subsection shall be paid from the
9 25 appropriations referred to in subsection 1.

9 26 Sec. 15. Section 7D.30, Code 2011, is amended to read as
9 27 follows:

9 28 7D.30 Necessary record.

9 29 Before ~~incurring~~ authorizing any expense ~~authorized by~~ in
9 30 accordance with section 7D.29, the executive council shall,
9 31 in each case, by resolution, entered upon its records, set
9 32 forth the necessity for ~~incurring~~ authorizing such expense,
9 33 the special fitness of the one employed to perform such work,
9 34 the definite rate of compensation or salary allowed, and the
9 35 total amount of money that may be expended. Compensation or



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10 1 salary for personal services in such cases must be determined
10 2 by unanimous vote of all members of the council.
10 3 Sec. 16. Section 8.55, subsection 3, paragraph a, Code 2011,
10 4 is amended to read as follows:

10 5 a. Except as provided in paragraphs "b", ~~and~~ "c", and
10 6 "0d", the moneys in the Iowa economic emergency fund shall
10 7 only be used pursuant to an appropriation made by the general
10 8 assembly. An appropriation shall only be made for the fiscal
10 9 year in which the appropriation is made. The moneys shall
10 10 only be appropriated by the general assembly for emergency
10 11 expenditures.

10 12 Sec. 17. Section 8.55, subsection 3, Code 2011, is amended
10 13 by adding the following new paragraph:

10 14 NEW PARAGRAPH. 0d. There is appropriated from the Iowa
10 15 economic emergency fund to the executive council an amount
10 16 sufficient to pay the expenses authorized by the executive
10 17 council in accordance with section 7D.29.

10 18 Sec. 18. Section 8A.321, subsection 4, Code 2011, is amended
10 19 to read as follows:

10 20 4. Contract, with the approval of the executive council,
10 21 for the repair, remodeling, or, if the condition warrants,
10 22 demolition of all buildings and grounds of the state at
10 23 the seat of government, at the state laboratories facility
10 24 in Ankeny, and the institutions of the department of human
10 25 services and the department of corrections for which no
10 26 specific appropriation has been made, if the cost of repair,
10 27 remodeling, or demolition will not exceed one hundred thousand
10 28 dollars when completed. The cost of repair projects for which
10 29 no specific appropriation has been made shall be paid ~~from~~
~~10 30 the fund~~ as an expense authorized by the executive council as
10 31 provided in section 7D.29.

10 32 Sec. 19. Section 8A.321, subsection 6, paragraphs a and b,
10 33 Code 2011, are amended to read as follows:

10 34 a. Lease all buildings and office space necessary to
10 35 carry out the provisions of this subchapter or necessary for



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11 1 the proper functioning of any state agency at the seat of
11 2 government. For state agencies at the seat of government, the
11 3 director may lease buildings and office space in Polk county
11 4 or in a county contiguous to Polk county. If no specific
11 5 appropriation has been made, the proposed lease shall be
11 6 submitted to the executive council for ~~approval~~ authorization
11 7 as an expense in accordance with section 7D.29. ~~The cost of~~
~~11 8 any lease for which no specific appropriation has been made~~
~~11 9 shall be paid from the fund provided in section 7D.29.~~

11 10 b. When the general assembly is not in session, the
11 11 director may request moneys from the executive council for
11 12 moving state agencies located at the seat of government from
11 13 one location to another. The request may include moving
11 14 costs, telecommunications costs, repair costs, or any other
11 15 costs relating to the move. The executive council may ~~approve~~
~~11 16 and shall pay the costs from funds~~ authorize the expenses
11 17 as provided in section 7D.29 if it determines the agency or
11 18 department ~~has no available~~ does not have funds available for
11 19 these expenses.

11 20 Sec. 20. Section 11.32, as amended by 2011 Iowa Acts,
11 21 House File 536, section 26, as enacted, is amended to read as
11 22 follows:

11 23 11.32 Certified accountants employed.

11 24 Nothing in this chapter shall prohibit the auditor of state,
11 25 with the prior written permission of the state executive
11 26 council, from employing certified public accountants for
11 27 specific assignments. The auditor of state may employ such
11 28 accountants for any assignment ~~now~~ expressly reserved to the
11 29 auditor of state. Payments, after approval by the executive
11 30 council, ~~will~~ shall be made to the accountants so employed from
11 31 funds from which the auditor of state would have been paid had
11 32 the auditor of state performed the assignment, or if ~~no~~ such
11 33 specific funds are ~~indicated not available~~, then ~~payment will~~
~~11 34 be made from the funds of~~ authorization of the expense by the
11 35 executive council shall be requested in accordance with section



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12 1 7D.29.

12 2 Sec. 21. Section 13.3, subsection 2, Code 2011, is amended
12 3 to read as follows:

12 4 2. If the governor or a department is represented by an
12 5 attorney other than the attorney general in a court proceeding
12 6 as provided in this section, at the conclusion of the court
12 7 proceedings, the court shall review the fees charged to the
12 8 state to determine if the fees are fair and reasonable. The
12 9 executive council shall not ~~reimburse~~ authorize reimbursement
12 10 of attorney fees in excess of those determined by the court to
12 11 be fair and reasonable.

12 12 Sec. 22. Section 13.7, Code 2011, is amended to read as
12 13 follows:

12 14 13.7 Special counsel.

12 15 Compensation shall not be allowed to any person for services
12 16 as an attorney or counselor to an executive department of
12 17 the state government, or the head ~~thereof~~ of an executive
12 18 department of state government, or to a state board or
12 19 commission. However, the executive council may employ
12 20 legal assistance, at a reasonable compensation, authorized
12 21 as an expense under section 7D.29, in a pending action or
12 22 proceeding to protect the interests of the state, but only
12 23 upon a sufficient showing, in writing, made by the attorney
12 24 general, that the department of justice cannot for reasons
12 25 stated by the attorney general perform the service, ~~which~~.
12 26 The reasons and action of the council shall be entered upon
12 27 its records. ~~When~~ If the attorney general determines that
12 28 the department of justice cannot perform legal service in an
12 29 action or proceeding, the executive council shall request the
12 30 department involved in the action or proceeding to recommend
12 31 legal counsel to represent the department. If the attorney
12 32 general concurs with the department that the person recommended
12 33 is qualified and suitable to represent the department, the
12 34 person recommended shall be employed. If the attorney general
12 35 does not concur in the recommendation, the department shall



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13 1 submit a new recommendation. This section does not affect the
13 2 general counsel for the utilities board of the department of
13 3 commerce, the legal counsel of the department of workforce
13 4 development, or the general counsel for the property assessment
13 5 appeal board.

13 6 Sec. 23. Section 29A.27, unnumbered paragraph 8, Code 2011,
13 7 is amended to read as follows:

13 8 All payments ~~herein~~ provided for under this section shall
13 9 be paid on the approval of the adjutant general from the
13 10 contingent fund of the executive council created in section
13 11 29C.20.

13 12 Sec. 24. Section 29C.8, subsection 3, paragraph f,
13 13 subparagraph (3), Code 2011, is amended to read as follows:

13 14 (3) Upon notification of a compensable loss to a member of
13 15 a homeland security and emergency management response team, the
13 16 department of administrative services shall process the claim
13 17 and seek ~~funding~~ authorization from the executive council ~~for~~
~~13 18 to pay as an expense under section 7D.29~~ those costs associated
13 19 with covered benefits.

13 20 Sec. 25. Section 29C.20, subsection 1, paragraph a,
13 21 unnumbered paragraph 1, Code 2011, is amended to read as
13 22 follows:

13 23 A contingent fund is created in the state treasury for the
13 24 use of the executive council ~~which~~. Funding for the contingent
13 25 fund shall be an authorized expense by the executive council
13 26 under section 7D.29. Moneys in the contingent fund may be

13 27 expended for the following purposes:

13 28 Sec. 26. Section 96.13, subsection 3, paragraph c, Code
13 29 2011, is amended to read as follows:

13 30 c. The department may appear before the executive council
13 31 and request ~~funds~~ authorization of moneys to meet unanticipated
13 32 emergencies as an expense under section 7D.29.

13 33 Sec. 27. Section 135.143, subsection 5, Code 2011, is
13 34 amended to read as follows:

13 35 5. Upon notification of a compensable loss, the department



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14 1 of administrative services shall seek ~~funding~~ authorization
14 2 from the executive council ~~for~~ to pay as an expense under
14 3 section 7D.29 those costs associated with covered workers'
14 4 compensation benefits.
14 5 Sec. 28. Section 135.144, subsection 11, Code 2011, is
14 6 amended to read as follows:
14 7 11. If a public health disaster or other public health
14 8 emergency situation exists which poses an imminent threat
14 9 to the public health, safety, and welfare, the department,
14 10 in conjunction with the governor, may provide financial
14 11 assistance, from funds appropriated to the department that are
14 12 not otherwise encumbered, to political subdivisions as needed
14 13 to alleviate the disaster or the emergency. If the department
14 14 does not have sufficient unencumbered funds, the governor may
14 15 request ~~that the executive council, pursuant to the authority~~
14 16 ~~of section 7D.29, commit sufficient funds, to authorize the~~
14 17 ~~payment of up to one million dollars, that are not otherwise~~
14 18 ~~encumbered from the general fund, as needed and available, for~~
14 19 ~~as an expense under section 7D.29 to alleviate the disaster or~~
14 20 the emergency. If additional financial assistance is required
14 21 in excess of one million dollars, approval by the legislative
14 22 council is also required.
14 23 Sec. 29. Section 163.3A, subsection 4, paragraph b, Code
14 24 2011, is amended to read as follows:
14 25 b. The department shall provide and update a list of
14 26 the registered members of each emergency response team,
14 27 including the members' names and identifying information, to
14 28 the department of administrative services. Upon notification
14 29 of a compensable loss suffered by a registered member, the
14 30 department of administrative services shall seek ~~funding~~
14 31 authorization from the executive council ~~for~~ to pay as an
14 32 expense under section 7D.29 those costs associated with covered
14 33 benefits.
14 34 Sec. 30. Section 163.10, Code 2011, is amended to read as
14 35 follows:



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15 1 163.10 Quarantining or destroying animals.

15 2 The department may quarantine or destroy any animal exposed
15 3 to or afflicted with an infectious or contagious disease.

15 4 However, cattle exposed to or infected with tuberculosis shall
15 5 not be destroyed without the owner's consent, unless there are
15 6 sufficient moneys to reimburse the owner for the cattle, which
15 7 may be paid ~~from the appropriation~~ as an expense authorized
15 8 under section 7D.29 as provided in section 163.15, from moneys
15 9 in the brucellosis and tuberculosis eradication fund created
15 10 in section 165.18, or from moneys made available by the United
15 11 States department of agriculture.

15 12 Sec. 31. Section 163.15, subsection 2, paragraph a,
15 13 subparagraph (3), Code 2011, is amended to read as follows:

15 14 (3) A claim for an indemnity by the owner and a claim for
15 15 compensation and expenses by the appraisers shall be filed with
15 16 the department and submitted by the secretary of agriculture
15 17 to the executive council for ~~its approval or disapproval~~
~~15 18 authorization of payment of the claim as an expense under~~
15 19 section 7D.29.

15 20 Sec. 32. Section 163.15, subsection 2, paragraph a,
15 21 subparagraph (4), Code 2011, is amended by striking the
15 22 subparagraph.

15 23 Sec. 33. Section 163.15, subsection 2, paragraph b,
15 24 unnumbered paragraph 1, Code 2011, is amended to read as
15 25 follows:

15 26 A formula established by rule adopted by the department that
15 27 is effective as determined by the department in accordance
15 28 with chapter 17A and applicable upon approval of the ~~plan~~
~~15 29 program~~ of eradication ~~approved~~ by the executive council.
15 30 The formula shall be applicable to indemnify owners if the
15 31 executive council, upon recommendation by the secretary of
15 32 agriculture, determines that an animal population in this state
15 33 is threatened with infection from an exceptionally contagious
15 34 disease.

15 35 Sec. 34. Section 163.15, subsection 2, paragraph b,



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16 1 subparagraph (4), Code 2011, is amended to read as follows:
16 2 (4) ~~Upon approval by the~~ The executive council, there is
16 3 ~~appropriated to the department from any moneys in the general~~
16 4 ~~fund of the state not otherwise appropriated moneys sufficient~~
16 5 ~~to carry out the~~ may authorize payment under the provisions of
16 6 this paragraph "b" as an expense under section 7D.29.
16 7 Sec. 35. Section 307.45, subsection 3, Code 2011, is amended
16 8 to read as follows:
16 9 3. Assessments against property owned by the state and
16 10 not under the jurisdiction and control of the department's
16 11 administrator of highways shall be made in the same manner
16 12 as those made against private property and payment shall
16 13 be ~~made~~ paid as an expense under section 7D.29, subject to
16 14 authorization by the executive council ~~from any funds of the~~
16 15 ~~state not otherwise appropriated.~~
16 16 Sec. 36. Section 384.56, subsection 1, Code 2011, is amended
16 17 to read as follows:
16 18 1. Cities may assess the cost of a public improvement which
16 19 extends through, abuts upon, or is adjacent to lands owned by
16 20 the state, and ~~the executive council shall pay~~ payment for the
16 21 assessable portion of the cost of the improvement through or
16 22 along the lands as provided shall be subject to authorization
16 23 by the executive council as an expense under section 7D.29.
16 24 ~~The executive council shall pay assessments as and payable in~~
16 25 ~~the manner provided in section 307.45 for property owned by the~~
16 26 ~~state and not under the jurisdiction and control of the state~~
16 27 ~~department of transportation.~~
16 28 Sec. 37. Section 459.501, subsection 5, as amended by 2011
16 29 Iowa Acts, Senate File 478, section 1, as enacted, is amended
16 30 to read as follows:
16 31 5. The following shall apply to moneys in the fund:
16 32 a. (1) The executive council may ~~allocate moneys from the~~
16 33 ~~general fund of the state as~~ authorize payment of moneys as
16 34 an expense under section 7D.29 and in the manner provided in
16 35 section 7D.10A in an amount necessary to support the fund,



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17 1 including the following:

17 2 (a) The payment of claims as provided in section 459.505.

17 3 (b) The allocation of moneys to the department of
17 4 agriculture and land stewardship for the payment of expenses
17 5 incurred by the department of agriculture and land stewardship
17 6 associated with providing for the sustenance and disposition of
17 7 livestock pursuant to chapter 717.

17 8 (2) Notwithstanding subparagraph (1), the allocation of
~~17 9 moneys from the general fund of the state executive council's~~
17 10 authorization for payment shall be made provided only if the
17 11 amount of moneys in the fund, which are not obligated or
17 12 encumbered, and not counting the department's estimate of the
17 13 cost to the fund for pending or unsettled claims, the amount
17 14 to be allocated to the department of agriculture and land
17 15 stewardship, and any amount required to be credited to the
17 16 general fund of the state under this subsection, is less than
17 17 one million dollars.

17 18 b. The department of natural resources shall credit an
17 19 amount to the ~~general fund of the state~~ from which the expense
17 20 authorized by the executive council as provided in paragraph
17 21 "a" was appropriated which is equal to an amount allocated to
17 22 support the livestock remediation fund by the executive council
17 23 under paragraph "a". ~~The~~ However, the department shall only be
17 24 required to credit the moneys to the general such fund of the
~~17 25 state if the moneys in the livestock remediation fund which are~~
17 26 not obligated or encumbered, and not counting the department's
17 27 estimate of the cost to the livestock remediation fund for
17 28 pending or unsettled claims, the amount to be allocated to the
17 29 department of agriculture and land stewardship, and any amount
17 30 required to be transferred to the general fund under from which
17 31 appropriated as described in this paragraph, are in excess of
17 32 two million five hundred thousand dollars. The department is
17 33 not required to credit the total amount to the general fund
17 34 of the state from which appropriated as described in this
17 35 paragraph during any one fiscal year.



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18 1 Sec. 38. Section 468.43, unnumbered paragraph 4, Code 2011,
18 2 is amended to read as follows:

18 3 The assessments against lands under the jurisdiction of the
18 4 department of natural resources shall be paid as an expense
18 5 under section 7D.29, if authorized by the executive council
18 6 upon certification of the amount by the county treasurer.

~~18 7 There is appropriated from any funds in the general fund of the~~
~~18 8 state not otherwise appropriated amounts sufficient to pay the~~
~~18 9 certified assessments.~~

18 10 Sec. 39. Section 568.16, Code 2011, is amended to read as
18 11 follows:

18 12 568.16 Purchase money refunded.

18 13 If the grantee of the state, or the grantee's successors,
18 14 administrators, or assigns, shall be deprived of the land
18 15 conveyed by the state under this chapter by the final decree
18 16 of a court of record for the reason that the conveyance by the
18 17 state ~~passed no title whatever to the land therein did not pass~~
18 18 title to the land described, because title thereto to the land
18 19 had previously for any reason been vested in others, then the
18 20 money so paid by the state for the said land shall be refunded
18 21 by the state to the person or persons entitled thereto to the
18 22 refund, provided the said grantee, or the grantee's successors,

18 23 administrators, or assigns, shall file a certified copy of
18 24 the transcript of the ~~said~~ final decree with the executive
18 25 council within one year from the date of the issuance of
18 26 such decree, and shall also file satisfactory proof with the
18 27 executive council that the action over the title to the land
18 28 was commenced within ten years from the date of the issuance of
18 29 patent or deed by the state. The amount of money to be refunded
18 30 under the provisions of this section shall be ~~certified~~

~~18 31 authorized and paid by the executive council to the director~~
~~18 32 of the department of administrative services, who shall draw a~~
~~18 33 warrant therefor, and the same shall be paid out of the general~~
~~18 34 fund as an expense under section 7D.29.~~

18 35 Sec. 40. Section 602.10133, Code 2011, is amended to read



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19 1 as follows:

19 2 602.10133 Costs and expenses.

19 3 The court costs incident to such proceedings, and the
19 4 reasonable expense of ~~said~~ the judges in attending ~~said~~ the
19 5 hearing after being approved by the supreme court shall be paid
19 6 as ~~court costs~~ an expense authorized by the executive council
19 7 under section 7D.29.

19 8 Sec. 41. Section 663.44, Code 2011, is amended to read as
19 9 follows:

19 10 663.44 Costs.

19 11 1. If the plaintiff is discharged, the costs shall be
19 12 assessed to the defendant, unless the defendant is an officer
19 13 holding the plaintiff in custody under a commitment, or under
19 14 other legal process, in which case the costs shall be assessed
19 15 to the county. If the plaintiff's application is refused,
19 16 the costs shall be assessed against the plaintiff, and, in
19 17 the discretion of the court, against the person who filed the
19 18 petition in the plaintiff's behalf.

19 19 2. ~~However, where~~ Notwithstanding subsection 1, if
19 20 the plaintiff is confined in any state institution, and is
19 21 discharged in habeas corpus proceedings, or ~~where~~ if the habeas
19 22 corpus proceedings fail, and costs and fees cannot be collected
19 23 from the person liable to pay ~~the same~~ costs and fees, ~~such~~
~~19 24~~ the costs and fees shall be paid by the county in which such
19 25 state institution is located. The facts of such payment and
19 26 the proceedings on which it is based, with a statement of the
19 27 amount of fees or costs incurred, with approval in writing by
19 28 the presiding judge appended to ~~such~~ the statement or endorsed
19 29 ~~thereon~~ on the statement, shall ~~then~~ be certified by the clerk
19 30 of the district court under the seal of office to the state
19 31 executive council. The executive council shall ~~then~~ review
19 32 the proceedings and authorize reimbursement, as expenses under
19 33 section 7D.29, for all such fees and costs or such part ~~thereof~~
~~19 34~~ of the fees and costs as the executive council ~~shall find~~ finds
19 35 justified, and shall notify the director of the department



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20 1 of administrative services to draw a warrant to such county
20 2 treasurer ~~on the state general fund~~ in accordance with section
20 3 7D.29 for the amount authorized. The costs and fees referred
20 4 to above shall include any award of fees made to a court
20 5 appointed attorney representing an indigent party bringing the
20 6 habeas corpus action.

20 7 DIVISION IV

20 8 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2012=2013

20 9 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013=2014.

20 10 1. For the budget process applicable to the fiscal year
20 11 beginning July 1, 2013, on or before October 1, 2012, in lieu
20 12 of the information specified in section 8.23, subsection 1,
20 13 unnumbered paragraph 1, and paragraph "a", all departments and
20 14 establishments of the government shall transmit to the director
20 15 of the department of management, on blanks to be furnished by
20 16 the director, estimates of their expenditure requirements,
20 17 including every proposed expenditure, for the ensuing fiscal
20 18 year, together with supporting data and explanations as called
20 19 for by the director of the department of management after
20 20 consultation with the legislative services agency.

20 21 2. The estimates of expenditure requirements shall be
20 22 in a form specified by the director of the department of
20 23 management, and the expenditure requirements shall include all
20 24 proposed expenditures and shall be prioritized by program or
20 25 the results to be achieved. The estimates shall be accompanied
20 26 by performance measures for evaluating the effectiveness of the
20 27 programs or results.

20 28 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.

20 29 Notwithstanding the standing appropriations in the following
20 30 designated sections for the fiscal year beginning July 1, 2012,
20 31 and ending June 30, 2013, the amounts appropriated from the
20 32 general fund of the state pursuant to these sections for the
20 33 following designated purposes shall not exceed the following
20 34 amounts:

20 35 1. For operational support grants and community cultural



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21 1 grants under section 99F.11, subsection 3, paragraph "d",
21 2 subparagraph (1):
21 3 \$ 208,351
21 4 2. For regional tourism marketing under section 99F.11,
21 5 subsection 3, paragraph "d", subparagraph (2):
21 6 \$ 405,153
21 7 3. For the center for congenital and inherited disorders
21 8 central registry under section 144.13A, subsection 4, paragraph
21 9 "a":
21 10 \$ 85,560
21 11 4. For primary and secondary child abuse prevention
21 12 programs under section 144.13A, subsection 4, paragraph "a":
21 13 \$ 108,886
21 14 5. For programs for at-risk children under section 279.51:
21 15 \$ 10,728,891
21 16 The amount of any reduction in this subsection shall be
21 17 prorated among the programs specified in section 279.51,
21 18 subsection 1, paragraphs "a", "b", and "c".
21 19 6. For payment for nonpublic school transportation under
21 20 section 285.2:
21 21 \$ 3,530,465
21 22 If total approved claims for reimbursement for nonpublic
21 23 school pupil transportation exceed the amount appropriated in
21 24 accordance with this subsection, the department of education
21 25 shall prorate the amount of each approved claim.
21 26 7. For reimbursement for the homestead property tax credit
21 27 under section 425.1:
21 28 \$ 86,188,387
21 29 8. For reimbursement for the family farm and agricultural
21 30 land tax credits under sections 425A.1 and 426.1:
21 31 \$ 32,395,131
21 32 9. For the enforcement of chapter 453D relating to tobacco
21 33 product manufacturers under section 453D.8:
21 34 \$ 9,208
21 35 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID ==== FY



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22 1 2012=2013. In lieu of the appropriation provided in section
22 2 257.20, subsection 2, the appropriation for the fiscal year
22 3 beginning July 1, 2012, and ending June 30, 2013, for paying
22 4 instructional support state aid under section 257.20 for fiscal
22 5 year 2012=2013 is zero.

22 6 DIVISION V

22 7 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2012=2013

22 8 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
22 9 various state departments, boards, commissions, councils,
22 10 and agencies, including the state board of regents, for
22 11 the fiscal year beginning July 1, 2012, and ending June 30,
22 12 2013, shall provide from available sources pay adjustments,
22 13 expense reimbursements, and related benefits to fully fund the
22 14 following:

22 15 1. The collective bargaining agreement negotiated pursuant
22 16 to chapter 20 for employees in the blue collar bargaining unit.

22 17 2. The collective bargaining agreement negotiated pursuant
22 18 to chapter 20 for employees in the public safety bargaining
22 19 unit.

22 20 3. The collective bargaining agreement negotiated pursuant
22 21 to chapter 20 for employees in the security bargaining unit.

22 22 4. The collective bargaining agreement negotiated pursuant
22 23 to chapter 20 for employees in the technical bargaining unit.

22 24 5. The collective bargaining agreement negotiated pursuant
22 25 to chapter 20 for employees in the professional fiscal and
22 26 staff bargaining unit.

22 27 6. The collective bargaining agreement negotiated pursuant
22 28 to chapter 20 for employees in the clerical bargaining unit.

22 29 7. The collective bargaining agreement negotiated pursuant
22 30 to chapter 20 for employees in the professional social services
22 31 bargaining unit.

22 32 8. The collective bargaining agreement negotiated pursuant
22 33 to chapter 20 for employees in the community-based corrections
22 34 bargaining unit.

22 35 9. The collective bargaining agreements negotiated



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23 1 pursuant to chapter 20 for employees in the judicial branch of
23 2 government bargaining units.
23 3 10. The collective bargaining agreement negotiated pursuant
23 4 to chapter 20 for employees in the patient care bargaining
23 5 unit.
23 6 11. The collective bargaining agreement negotiated pursuant
23 7 to chapter 20 for employees in the science bargaining unit.
23 8 12. The collective bargaining agreement negotiated pursuant
23 9 to chapter 20 for employees in the university of northern Iowa
23 10 faculty bargaining unit.
23 11 13. The collective bargaining agreement negotiated pursuant
23 12 to chapter 20 for employees in the state university of Iowa
23 13 graduate student bargaining unit.
23 14 14. The collective bargaining agreement negotiated pursuant
23 15 to chapter 20 for employees in the state university of Iowa
23 16 hospital and clinics tertiary health care bargaining unit.
23 17 15. The annual pay adjustments, related benefits, and
23 18 expense reimbursements referred to in the sections of this
23 19 division of this Act addressing noncontract state and state
23 20 board of regents employees who are not covered by a collective
23 21 bargaining agreement.
23 22 Sec. 46. STATE EMPLOYEES ==== STATE BOARD OF REGENTS. For
23 23 the fiscal year beginning July 1, 2012, and ending June 30,
23 24 2013, funds shall be provided from available sources of the
23 25 state board of regents for funding of collective bargaining
23 26 agreements for state board of regents employees covered by
23 27 such agreements and for the following state board of regents
23 28 employees not covered by a collective bargaining agreement:
23 29 1. Regents merit system employees and merit supervisory
23 30 employees.
23 31 2. Faculty members and professional and scientific
23 32 employees.
23 33 Sec. 47. BONUS PAY. For the fiscal year beginning July
23 34 1, 2012, and ending June 30, 2013, employees of the executive
23 35 branch, judicial branch, and legislative branch shall not



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24 1 receive bonus pay unless otherwise authorized by law, required
24 2 pursuant to a contract of employment entered into before July
24 3 1, 2012, or required pursuant to a collective bargaining
24 4 agreement. This section does not apply to employees of the
24 5 state board of regents. For purposes of this section, "bonus
24 6 pay" means any additional remuneration provided an employee in
24 7 the form of a bonus, including but not limited to a retention
24 8 bonus, recruitment bonus, exceptional job performance pay,
24 9 extraordinary job performance pay, exceptional performance pay,
24 10 extraordinary duty pay, or extraordinary or special duty pay,
24 11 and any extra benefit not otherwise provided to other similarly
24 12 situated employees.

24 13 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the fiscal
24 14 year beginning July 1, 2012, the sworn peace officers in the
24 15 department of public safety who are not covered by a collective
24 16 bargaining agreement negotiated pursuant to chapter 20 shall
24 17 receive the same per diem meal allowance as the sworn peace
24 18 officers in the department of public safety who are covered
24 19 by a collective bargaining agreement negotiated pursuant to
24 20 chapter 20.

24 21 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary model
24 22 administrator shall work in conjunction with the legislative
24 23 services agency to maintain the state's salary model used for
24 24 analyzing, comparing, and projecting state employee salary
24 25 and benefit information, including information relating to
24 26 employees of the state board of regents. The department of
24 27 revenue, the department of administrative services, the five
24 28 institutions under the jurisdiction of the state board of
24 29 regents, the judicial district departments of correctional
24 30 services, and the state department of transportation shall
24 31 provide salary data to the department of management and the
24 32 legislative services agency to operate the state's salary
24 33 model. The format and frequency of provision of the salary
24 34 data shall be determined by the department of management and
24 35 the legislative services agency. The information shall be



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25 1 used in collective bargaining processes under chapter 20 and
25 2 in calculating the funding needs contained within the annual
25 3 salary adjustment legislation. A state employee organization
25 4 as defined in section 20.3, subsection 4, may request
25 5 information produced by the model, but the information provided
25 6 shall not contain information attributable to individual
25 7 employees.

25 8

DIVISION VI

25 9

CORRECTIVE PROVISIONS

25 10 Sec. 50. Section 8.6, subsection 9A, as enacted by 2011 Iowa
25 11 Acts, House File 45, section 39, is amended to read as follows:

25 12 9A. Budget and tax rate databases. To develop and make
25 13 available to the public a searchable budget database and
25 14 internet site as required under chapter 8G, ~~division~~ subchapter
25 15 I, and to develop and make available to the public a searchable
25 16 tax rate database and internet site as required under chapter
25 17 8G, ~~division~~ subchapter II.

25 18 Sec. 51. Section 8.57E, subsection 3, paragraph a, as
25 19 enacted by 2011 Iowa Acts, Senate File 209, section 30, is
25 20 amended to read as follows:

25 21 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund may be
25 22 used for cash flow purposes during a fiscal year provided that
25 23 any moneys so allocated are returned to the fund by the end of
25 24 that fiscal year.

25 25 Sec. 52. Section 8G.13, as enacted by 2011 Iowa Acts, House
25 26 File 45, section 50, is amended to read as follows:

25 27 8G.13 Updating database.

25 28 To facilitate the department of management's efforts in
25 29 creating and maintaining a searchable database of the taxes
25 30 identified in section 8G.12, subsection ~~3~~ 1, for all taxing
25 31 jurisdictions in the state, each taxing jurisdiction may
25 32 annually be required to report its tax rates to the department
25 33 of management or the department of revenue and shall report any
25 34 changes to its tax rates within thirty days of the change.

25 35 Sec. 53. Section 16.193, subsection 3, paragraph a, Code



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26 1 2011, as amended by 2011 Iowa Acts, Senate File 475, section
26 2 11, is amended to read as follows:

26 3 a. During the term of the Iowa jobs program and Iowa jobs
26 4 II program, the Iowa finance authority shall collect data on
26 5 all of the projects approved for the ~~program~~ programs. The
26 6 department of management and the state agencies associated
26 7 with the projects shall assist the authority with the data
26 8 collection and in developing the report required by this
26 9 subsection. The authority shall report quarterly to the
26 10 governor and the general assembly concerning the data.

26 11 Sec. 54. Section 68A.401, subsection 4, Code 2011, as
26 12 amended by 2011 Iowa Acts, Senate File 475, section 17, is
26 13 amended to read as follows:

26 14 4. Political committees expressly advocating the
26 15 nomination, election, or defeat of candidates for both
26 16 federal office and any elected office created by law or the
26 17 Constitution of the State of Iowa shall file statements and
26 18 reports with the board in addition to any federal reports
26 19 required to be filed with the board. However, a political
26 20 committee that is registered and filing full disclosure
26 21 reports of all financial activities with the federal election
26 22 commission may file verified statements as provided in section
26 23 ~~68B.201A~~ 68A.201A.

26 24 Sec. 55. Section 139A.19, subsection 3, as enacted by 2011
26 25 Iowa Acts, House File 467, section 20, is amended to read as
26 26 follows:

26 27 3. This section does not preclude a hospital, clinic, other
26 28 health facility, or a health care provider from providing
26 29 notification to a care provider under circumstances in
26 30 which the hospital's, clinic's, other health facility's, or
26 31 health care provider's policy provides for notification of
26 32 the hospital's, ~~clinics~~ clinic's, other health facility's,
26 33 or health care provider's own employees of exposure to a
26 34 contagious or infectious disease that is not life-threatening
26 35 if the notice does not reveal a patient's name, unless the



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27 1 patient consents.

27 2 Sec. 56. Section 175.3, subsection 1, paragraph a, Code
27 3 2011, as amended by 2011 Iowa Acts, Senate File 429, section 1,
27 4 is amended to read as follows:

27 5 a. The agricultural development authority is established
27 6 within the department of agriculture and land stewardship. The
27 7 ~~agency~~ authority is constituted as a public instrumentality
27 8 and agency of the state exercising public and essential
27 9 governmental functions.

27 10 Sec. 57. Section 207.22, subsection 3, paragraph b, Code
27 11 2011, as amended by 2011 Iowa Acts, Senate File 475, section
27 12 47, is amended to read as follows:

27 13 b. Acquisition of coal refuse disposal sites and all
27 14 coal refuse thereon will serve the purposes of ~~Tit. IV of~~
27 15 Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25,
27 16 subch. IV, or that public ownership is desirable to meet
27 17 emergency situations and prevent recurrences of the adverse
27 18 effect of past coal mining practices.

27 19 Sec. 58. Section 232.71D, subsection 3, paragraph a,
27 20 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, House
27 21 File 562, section 3, is amended to read as follows:

27 22 Unless any of the circumstances listed in paragraph "b" are
27 23 applicable, cases to which any of the following circumstances
27 24 apply shall not be placed ~~on~~ in the central registry:

27 25 Sec. 59. Section 256.7, subsection 26, paragraph a,
27 26 subparagraph (1), as enacted by 2011 Iowa Acts, Senate File
27 27 453, section 1, is amended to read as follows:

27 28 (1) The rules establishing high school graduation
27 29 requirements shall authorize a school district or
27 30 accredited nonpublic school to consider that any student who
27 31 satisfactorily completes a high school=level unit of English
27 32 or language arts, mathematics, science, or social studies has
27 33 satisfactorily completed a unit of the high school graduation
27 34 requirements for that area as specified in this lettered
27 35 paragraph, and ~~to~~ shall authorize the school district or



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28 1 accredited nonpublic school to issue high school credit for the
28 2 unit to the student.

28 3 Sec. 60. Section 321.34, subsection 20C, paragraph a,
28 4 if enacted by 2011 Iowa Acts, House File 651, section 2, is
28 5 amended to read as follows:

28 6 a. The department, in consultation with the adjutant
28 7 general, shall design combat infantryman badge, combat action
28 8 badge, combat action ribbon, air force combat action medal,
28 9 and combat medical badge distinguishing processed emblems.
28 10 Upon receipt of two hundred fifty orders for ~~special~~ combat
28 11 infantryman badge, combat action badge, combat action ribbon,
28 12 air force combat action medal, or combat medical badge special
28 13 registration plates, accompanied by a start-up fee of twenty
28 14 dollars per order, the department shall begin issuing special
28 15 registration plates with the applicable distinguishing
28 16 processed emblem as provided in paragraphs "b" and "c". The
28 17 minimum order requirement shall apply separately to each of the
28 18 special registration plates created under this subsection.

28 19 Sec. 61. Section 321.34, subsection 25, paragraph a, if
28 20 enacted by 2011 Iowa Acts, House File 651, section 2, is
28 21 amended to read as follows:

28 22 a. The department, in consultation with the adjutant
28 23 general, shall design a civil war sesquicentennial
28 24 distinguishing processed emblem. Upon receipt of two hundred
28 25 fifty orders for ~~special~~ civil war sesquicentennial special
28 26 registration plates, accompanied by a start-up fee of twenty
28 27 dollars per order, the department shall begin issuing special
28 28 registration plates with a civil war sesquicentennial processed
28 29 emblem as provided in paragraph "b".

28 30 Sec. 62. Section 327B.5, Code 2011, is amended to read as
28 31 follows:

28 32 327B.5 Penalty.

28 33 Any person violating the provisions of this chapter shall,
28 34 upon conviction, be subject to a scheduled fine as provided in
28 35 section 805.8A, subsection 13, ~~paragraphs~~ paragraph "f" and ~~"g"~~.



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29 1 Sec. 63. Section 422.110, subsection 5, paragraph a,
29 2 subparagraph (2), if enacted by 2011 Iowa Acts, Senate File
29 3 531, section 17, is amended to read as follows:
29 4 (2) The E=15 plus gasoline promotion tax credit pursuant to
29 5 section 422.11Y.
29 6 Sec. 64. Section 422.11Y, subsection 1, paragraph d, if
29 7 enacted by 2011 Iowa Acts, Senate File 531, section 35, is
29 8 amended to read as follows:
29 9 d. "Tax credit" means the E=15 plus gasoline promotion tax
29 10 credit as provided in this section.
29 11 Sec. 65. Section 422.11Y, subsection 3, unnumbered
29 12 paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,
29 13 section 35, is amended to read as follows:
29 14 The taxes imposed under this division, less the credits
29 15 allowed under section 422.12, shall be reduced by the amount of
29 16 the E=15 plus gasoline promotion tax credit for each tax year
29 17 that the taxpayer is eligible to claim a tax credit under this
29 18 subsection.
29 19 Sec. 66. Section 422.11Y, subsection 6, paragraph b,
29 20 subparagraph (2), if enacted by 2011 Iowa Acts, Senate File
29 21 531, section 35, is amended to read as follows:
29 22 (2) The retail dealer may claim the ethanol promotion
29 23 tax credit as provided in paragraph "a" for the same ethanol
29 24 gallonage used to calculate and claim the E=15 plus gasoline
29 25 promotion tax credit.
29 26 Sec. 67. Section 423.4, subsection 9, unnumbered paragraph
29 27 1, if enacted by 2011 Iowa Acts, Senate File 531, section 59,
29 28 is amended to read as follows:
29 29 A person who qualifies as a biodiesel producer as provided in
29 30 this subsection may apply to the director for a refund of the
29 31 amount of the sales or use tax imposed and paid upon purchases
29 32 made by the person.
29 33 Sec. 68. Section 483A.24A, Code 2011, as amended by 2011
29 34 Iowa Acts, Senate File 194, section 10, is amended to read as
29 35 follows:



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30 1 483A.24A License refunds ==== military service.
30 2 Notwithstanding any provision of this chapter to the
30 3 contrary, a service member deployed for military service, ~~both~~
30 4 as defined in section 29A.1, subsection 3, shall receive a
30 5 refund of that portion of any license fee paid by the service
30 6 member representing the service member's period of military
30 7 service.
30 8 Sec. 69. Section 501.101, subsection 01, as enacted by 2011
30 9 Iowa Acts, House File 348, section 7, is amended to read as
30 10 follows:
30 11 01. "Alternative voting method" means a method of voting
30 12 other than a written ballot, including voting by electronic,
30 13 telephonic, internet, or other means that reasonably ~~allow~~
~~30 14 allows~~ members the opportunity to vote.
30 15 Sec. 70. Section 501A.703, subsection 5, paragraph d, Code
30 16 2011, as amended by 2011 Iowa Acts, House File 348, section 19,
30 17 is amended to read as follows:
30 18 d. If the ballot of the member is received by the
30 19 cooperative on or before the date of the regular members'
30 20 meeting or as otherwise prescribed for an alternative, voting
30 21 method, the ballot or alternative voting method shall be
30 22 accepted and counted as the vote of the absent member.
30 23 Sec. 71. Section 511.8, subsection 22, paragraph i,
30 24 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate
30 25 File 406, section 25, is amended to read as follows:
30 26 Securities held in the legal reserve of a life insurance
30 27 company or association pledged as collateral for financial
30 28 instruments used in highly effective hedging transactions as
30 29 defined in the national association of insurance commissioners'
30 30 ~~Statement statement of Statutory Accounting Principles No.~~
~~30 31 statutory accounting principles no. 86~~ shall continue to
30 32 be eligible for inclusion ~~on~~ in the legal reserve of the
30 33 life insurance company or association subject to all of the
30 34 following:
30 35 Sec. 72. Section 514J.109, subsection 3, paragraph f,



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31 1 if enacted by 2011 Iowa Acts, House File 597, section 9, is
31 2 amended to read as follows:
31 3 f. The covered person or the covered person's authorized
31 4 representative has provided all the information and forms
31 5 required by the commissioner that are necessary to process an
31 6 external review request pursuant to this section.
31 7 Sec. 73. Section 521F.4, subsection 1, paragraph b, as
31 8 enacted by 2011 Iowa Acts, Senate File 406, section 44, is
31 9 amended to read as follows:
31 10 b. The filing of a risk-based capital report by a health
31 11 organization which indicates that the health organization has
31 12 total adjusted capital which is greater than or equal to its
31 13 company=action=level risk-based capital but less than the
31 14 product of its authorized=control=level risk-based capital and
31 15 three and triggers the trend test determined in accordance with
31 16 the trend test ~~calculations~~ calculation included in the health
31 17 risk-based capital instructions.
31 18 Sec. 74. Section 524.310, subsection 5, paragraph b, Code
31 19 2011, as amended by 2011 Iowa Acts, Senate File 475, section
31 20 120, is amended to read as follows:
31 21 b. A corporate or company name reserved, registered, or
31 22 protected as provided in section 489.109, 490.402, 490.403,
31 23 ~~490A.402~~, 504.402, or 504.403.
31 24 Sec. 75. Section 717.3, subsection 5, paragraph b, Code
31 25 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6,
31 26 is amended to read as follows:
31 27 b. That the department shall assume supervision of and
31 28 provide for the sustenance of the livestock ~~and~~ as provided in
31 29 section 717.4.
31 30 Sec. 76. Section 717.4, subsection 2, as enacted by 2011
31 31 Iowa Acts, Senate File 478, section 7, is amended to read as
31 32 follows:
31 33 2. The court ordered lien shall be for the benefit of the
31 34 department. The amount of the lien shall not be ~~not~~ more than
31 35 for expenses incurred in providing sustenance to the livestock



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32 1 pursuant to section 717.3 and providing for the disposition of
32 2 the livestock pursuant to section 717.5.
32 3 Sec. 77. Section 717.4A, as enacted by 2011 Iowa Acts,
32 4 Senate File 478, section 8, is amended to read as follows:
32 5 717.4A Livestock in immediate need of sustenance ==== livestock
32 6 remediation fund.
32 7 The department may utilize the moneys deposited into the
32 8 livestock remediation fund pursuant to section 459.501 to pay
32 9 for any expenses associated with providing sustenance to or
32 10 the disposition of the livestock pursuant to a court order
32 11 entered pursuant to section 717.3 or 717.5. The department
32 12 shall utilize moneys from the fund only to the extent that
32 13 the department determines that expenses cannot be timely
32 14 paid by utilizing the available provisions of sections 717.4
32 15 and 717.5. The department shall deposit any unexpended and
32 16 unobligated moneys in the fund. The department shall pay to
32 17 the fund the proceeds from the disposition of the livestock and
32 18 associated products less expenses incurred by the department in
32 19 providing for the sustenance and disposition of the livestock,
32 20 as provided in section 717.5.
32 21 Sec. 78. Section 903A.5, subsection 1, as enacted by 2011
32 22 Iowa Acts, House File 271, section 3, is amended to read as
32 23 follows:
32 24 1. An inmate shall not be discharged from the custody
32 25 of the director of the Iowa department of corrections until
32 26 the inmate has served the full term for which the inmate was
32 27 sentenced, less earned time and other credits earned and not
32 28 forfeited, unless the inmate is pardoned or otherwise legally
32 29 released. Earned time accrued and not forfeited shall apply
32 30 to reduce a mandatory minimum sentence being served pursuant
32 31 to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.
32 32 An inmate shall be deemed to be serving the sentence from the
32 33 day on which the inmate is received into the institution. If
32 34 an inmate was confined to a county jail or other correctional
32 35 or mental facility at any time prior to sentencing, or after



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33 1 sentencing but prior to the case having been decided on appeal,
33 2 because of failure to furnish bail or because of being charged
33 3 with a nonbailable offense, the inmate shall be given credit
33 4 for the days already served upon the term of the sentence.
33 5 However, if a person commits any offense while confined in a
33 6 county jail or other correctional or mental health facility,
33 7 the person shall not be granted ~~jail~~ credit for that offense.
33 8 Unless the inmate was confined in a correctional facility,
33 9 the sheriff of the county in which the inmate was confined
33 10 shall certify to the clerk of the district court from which
33 11 the inmate was sentenced and to the department of corrections'
33 12 records administrator at the Iowa medical and classification
33 13 center the number of days so served. The department of
33 14 corrections' records administrator, or the administrator's
33 15 designee, shall apply jail credit as ordered by the court
33 16 of proper jurisdiction or as authorized by this section and
33 17 section 907.3, subsection 3.

33 18 Sec. 79. EFFECTIVE DATES.

33 19 1. The section of this division of this Act amending section
33 20 422.110, subsection 5, paragraph a, subparagraph (2), if
33 21 enacted by 2011 Iowa Acts, Senate File 531, section 17, takes
33 22 effect January 1, 2012.

33 23 2. Section 423.4, subsection 9, unnumbered paragraph 1, if
33 24 enacted by 2011 Iowa Acts, Senate File 531, section 59, takes
33 25 effect January 1, 2012.

33 26 Sec. 80. APPLICABILITY.

33 27 1. The section of this division of this Act amending section
33 28 422.110, subsection 5, paragraph a, subparagraph (2), if
33 29 enacted by 2011 Iowa Acts, Senate File 531, section 17, applies
33 30 to tax years beginning on and after January 1, 2012.

33 31 2. The section of this division of this Act amending
33 32 section 422.11Y, subsection 1, paragraph d, if enacted by 2011
33 33 Iowa Acts, Senate File 531, section 35, applies to tax years
33 34 beginning on and after January 1, 2012, and to that part of a
33 35 retail dealer's tax year or tax years occurring during that



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34 1 portion of the calendar year beginning on and after July 1,
34 2 2011, and ending on December 31, 2011.
34 3 3. The section of this division of this Act amending section
34 4 422.11Y, subsection 3, unnumbered paragraph 1, if enacted by
34 5 2011 Iowa Acts, Senate File 531, section 35, applies to tax
34 6 years beginning on and after January 1, 2012, and to that part
34 7 of a retail dealer's tax year or tax years occurring during
34 8 that portion of the calendar year beginning on and after July
34 9 1, 2011, and ending on December 31, 2011.

34 10 4. The section of this division of this Act amending section
34 11 422.11Y, subsection 6, paragraph b, subparagraph (2), if
34 12 enacted by 2011 Iowa Acts, Senate File 531, section 35, applies
34 13 to tax years beginning on and after January 1, 2012, and to
34 14 that part of a retail dealer's tax year or tax years occurring
34 15 during that portion of the calendar year beginning on and after
34 16 July 1, 2011, and ending on December 31, 2011.

34 17 DIVISION VII

34 18 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

34 19 Sec. 81. VISION SCREENING PROGRAM ==== DEPARTMENT OF PUBLIC
34 20 HEALTH. There is appropriated from the general fund of the
34 21 state to the department of public health for the fiscal year
34 22 beginning July 1, 2011, and ending June 30, 2012, the following
34 23 amount, or so much thereof as is necessary, to be used for the
34 24 purposes designated:

34 25 For a grant to a national affiliated volunteer eye
34 26 organization that has an established program for children and
34 27 adults and that is solely dedicated to preserving sight and
34 28 preventing blindness through education, nationally certified
34 29 vision screening and training, and community and patient
34 30 service programs:

34 31 \$ 100,000

34 32 Sec. 82. APPROPRIATION ==== FARMERS WITH DISABILITIES. There
34 33 is appropriated from the general fund of the state to the
34 34 department of agriculture and land stewardship for the fiscal
34 35 year beginning July 1, 2011, and ending June 30, 2012, the



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35 1 following amount, or so much thereof as is necessary, for a
35 2 program for farmers with disabilities:
35 3 \$ 97,000
35 4 The moneys appropriated in this section shall be used
35 5 for the public purpose of providing a grant to a national
35 6 nonprofit organization with over 80 years of experience in
35 7 assisting children and adults with disabilities and special
35 8 needs. The moneys shall be used to support a nationally
35 9 recognized program that began in 1986 and has been replicated
35 10 in at least 30 other states, but which is not available through
35 11 any other entity in this state, and that provides assistance
35 12 to farmers with disabilities in all 99 counties to allow the
35 13 farmers to remain in their own homes and be gainfully engaged
35 14 in farming through provision of agricultural worksite and home
35 15 modification consultations, peer support services, services
35 16 to families, information and referral, and equipment loan
35 17 services. Notwithstanding section 8.33, moneys appropriated
35 18 in this section that remain unencumbered or unobligated at the
35 19 close of the fiscal year shall not revert but shall remain
35 20 available for expenditure for the purposes designated until the
35 21 close of the succeeding fiscal year.
35 22 Sec. 83. APPROPRIATION ==== BATTLESHIP IOWA, BB=61.
35 23 1. There is appropriated from the general fund of the state
35 24 to the department of cultural affairs for the fiscal year
35 25 beginning July 1, 2010, and ending June 30, 2011, the following
35 26 amount, or so much thereof as is necessary, to be credited to
35 27 the BB=61 fund created in 2010 Iowa Acts, chapter 1194:
35 28 \$ 3,000,000
35 29 2. If the department of the navy, pursuant to a process
35 30 outlined in a notice published in the federal register on
35 31 May 24, 2010, volume 75, number 99, awards possession or
35 32 conditionally awards possession of the battleship Iowa,
35 33 BB=61, to a nonprofit group that is eligible to receive the
35 34 battleship, the department of cultural affairs shall award a
35 35 grant to the nonprofit group in an amount equal to \$3 million



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36 1 in addition to any moneys awarded as a grant from the BB=61
36 2 fund.

36 3 3. Notwithstanding section 8.33, moneys appropriated in
36 4 this section that remain unencumbered or unobligated at the
36 5 close of the fiscal year shall not revert but shall remain
36 6 available for expenditure for the purposes designated for
36 7 succeeding fiscal years.

36 8 Sec. 84. GROUP HOME GRANT. There is appropriated from the
36 9 general fund of the state to the Iowa finance authority for the
36 10 fiscal year beginning July 1, 2010, and ending June 30, 2011,
36 11 the following amount, or so much thereof as is necessary, to be
36 12 used for the purposes designated:

36 13 For a grant to a nonprofit organization providing
36 14 residential services for persons with an intellectual
36 15 disability at the intermediate care facility level and services
36 16 under the medical assistance program habilitation and brain
36 17 injury home and community-based services waivers, that is
36 18 located in and providing such services in a county with a
36 19 population between 90,000 and 95,000, according to the latest
36 20 certified federal census:

36 21 \$ 100,000

36 22 The grant under this section shall be used for purchase or
36 23 remodeling costs to develop a group home for not more than four
36 24 individuals with intellectual disabilities or brain injury.
36 25 Notwithstanding section 8.33, moneys appropriated in this
36 26 section that remain unencumbered or unobligated at the close of
36 27 the fiscal year shall not revert but shall remain available for
36 28 expenditure for the purposes designated until the close of the
36 29 succeeding fiscal year.

36 30 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT OF
36 31 INSPECTIONS AND APPEALS ==== CONTINGENT FTE AUTHORIZATION. If
36 32 Senate File 313 or successor legislation providing for debt
36 33 setoff or other recovery activities for nonpayment of premiums
36 34 pursuant to section 249A.3, subsection 2, paragraph "a",
36 35 subparagraph (1), relating to a special income eligibility



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37 1 group under the Medicaid program, or pursuant to section
37 2 249J.8, subsection 1, relating to the expansion population
37 3 eligibility group under the IowaCare program, is enacted by
37 4 the Eighty=fourth General Assembly, 2011 Session, in addition
37 5 to other full=time equivalent positions authorized for the
37 6 investigations division of the department of inspections and
37 7 appeals for the fiscal year beginning July 1, 2011, not more
37 8 than 2.00 FTEs are authorized, to the extent funded through
37 9 moneys available to the department of human services, to
37 10 be used to implement such provisions of Senate File 313 or
37 11 successor legislation.

37 12 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL PROGRAM. If a
37 13 school district that is participating on a contractual basis
37 14 in a special education instructional program operated by an
37 15 area education agency, in which the area education agency
37 16 employed teachers on behalf of the school district at the time
37 17 the department of management calculated the teacher salary
37 18 supplement cost per pupil under section 257.10, subsection
37 19 9, the professional development supplement cost per pupil
37 20 under section 257.10, subsection 10, the area education agency
37 21 teacher salary supplement cost per pupil under section 257.37A,
37 22 subsection 1, and the area education agency professional
37 23 development supplement cost per pupil under section 257.37A,
37 24 subsection 2, for the fiscal year beginning July 1, 2009,
37 25 terminates the contract for participation in the special
37 26 education instructional program, the area education agency
37 27 operating the program shall notify the department of management
37 28 of the contract termination by the following April 1. The
37 29 department of management shall recalculate the cost per
37 30 pupil amounts for the area education agency and the school
37 31 district for the fiscal year succeeding the notification
37 32 date for the teacher salary supplement cost per pupil under
37 33 section 257.10, subsection 9, the professional development
37 34 supplement cost per pupil under section 257.10, subsection
37 35 10, the area education agency teacher salary supplement cost



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38 1 per pupil under section 257.37A, subsection 1, and the area
38 2 education agency professional development supplement cost
38 3 per pupil under section 257.37A, subsection 2, by estimating
38 4 the amount of the original allocations used in the cost per
38 5 pupil calculation that would have been allocated to the school
38 6 district rather than the area education agency had the special
38 7 education instructional program not existed, and the department
38 8 of management shall increase the annual supplement cost per
38 9 pupil for the school district and area education agency by the
38 10 appropriate allowable growth for the appropriate fiscal years.
38 11 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF
38 12 CHILDREN.
38 13 1. A task force on the prevention of sexual abuse of
38 14 children is established consisting of the following members:
38 15 a. Four members of the general assembly serving as ex
38 16 officio, nonvoting members, with not more than one member from
38 17 each chamber being from the same political party. The two
38 18 senators shall be appointed, one each, by the majority leader
38 19 of the senate and by the minority leader of the senate. The two
38 20 representatives shall be appointed, one each, by the speaker of
38 21 the house of representatives and by the minority leader of the
38 22 house of representatives.
38 23 b. The director of human services or the director's
38 24 designee.
38 25 c. The director of the department of education or the
38 26 director's designee.
38 27 d. The director of public health or the director's designee.
38 28 e. The state court administrator or the state court
38 29 administrator's designee.
38 30 f. A representative of the Iowa county attorneys
38 31 association, appointed by the president of that association.
38 32 g. A representative of the chief juvenile court officers,
38 33 appointed by the chief justice of the supreme court.
38 34 h. A representative of the Iowa state education
38 35 association, appointed by the president of that organization.



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39 1 i. A representative of prevent child abuse Iowa, appointed
39 2 by the director of human services.
39 3 j. A representative of school administrators of Iowa,
39 4 appointed by the president of that organization.
39 5 k. A representative of the Iowa association of school
39 6 boards, appointed by the executive director of that
39 7 organization.
39 8 l. A representative of the Iowa psychological association,
39 9 appointed by the president of that association.
39 10 m. A representative of the Iowa coalition against sexual
39 11 assault, appointed by the executive director of that coalition.
39 12 n. A representative of prevent child abuse Iowa, appointed
39 13 by the executive director of that organization.
39 14 o. A child abuse expert employed by or under contract with
39 15 one of Iowa's nationally accredited child protection centers,
39 16 appointed by the director of the regional child protection
39 17 center located in Des Moines.
39 18 2. Members of the task force shall be individuals who are
39 19 actively involved in the fields of child abuse prevention. To
39 20 the extent possible, appointment of members shall reflect the
39 21 geographic diversity of the state. The voting members of the
39 22 task force shall serve without compensation and shall not be
39 23 reimbursed for their expenses.
39 24 3. The director of prevent child abuse Iowa, or the
39 25 director's designee, shall convene the organizational meeting
39 26 of the task force. The task force shall elect from among
39 27 its members a chairperson. Meetings shall be held at the
39 28 call of the chairperson or at the request of two or more task
39 29 force members. Six members shall constitute a quorum and the
39 30 affirmative vote of six members shall be necessary for any
39 31 action taken by the task force.
39 32 4. Prevent child abuse Iowa shall provide staff support to
39 33 the task force.
39 34 5. The task force shall consult with employees of the
39 35 department of human services, the Iowa coalition against sexual



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40 1 assault, the department of public safety, the state board
40 2 of education, and any other state agency or department as
40 3 necessary to accomplish the task force's responsibilities under
40 4 this section.
40 5 6. The task force shall develop a model policy addressing
40 6 sexual abuse of children that may include but is not limited
40 7 to the following:
40 8 a. Age=appropriate curricula for students enrolled in
40 9 prekindergarten through grade five.
40 10 b. Training options for school personnel on child sexual
40 11 abuse.
40 12 c. Educational information for parents and guardians that
40 13 may be provided in a school handbook and may include the
40 14 warning signs of a child being abused, along with any needed
40 15 assistance, referral, or resource information.
40 16 d. Counseling options and resources available statewide for
40 17 students affected by sexual abuse.
40 18 e. Emotional and educational support services that may
40 19 be available for a child subject to abuse to continue to be
40 20 successful in school.
40 21 f. Methods for increasing teacher, student, and parent
40 22 awareness of issues regarding sexual abuse of children,
40 23 including but not limited to knowledge of likely warning signs
40 24 indicating that a child may be a victim of sexual abuse.
40 25 g. Actions that a child who is a victim of sexual abuse
40 26 should take to obtain assistance and intervention.
40 27 7. The task force shall make recommendations for preventing
40 28 the sexual abuse of children in Iowa. In making those
40 29 recommendations, the task force shall do the following:
40 30 a. Gather information concerning child sexual abuse
40 31 throughout the state.
40 32 b. Receive reports and testimony from individuals, state
40 33 and local agencies, community=based organizations, and other
40 34 public and private organizations.
40 35 c. Create goals for state policy that would prevent child



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41 1 sexual abuse.
41 2 d. Submit a final report with its recommendations to the
41 3 governor and the general assembly on or before January 16,
41 4 2012. The recommendations may include proposals for specific
41 5 statutory changes and methods to foster cooperation among state
41 6 agencies and between the state, local school districts, and
41 7 other local governments.
41 8 Sec. 88. RAILROAD COMPANY ==== LIMITED LIABILITY. A railroad
41 9 company which alters facilities described in section 327F.2
41 10 pursuant to a written agreement executed on or before December
41 11 31, 2012, with a political subdivision with a population of
41 12 more than 67,800, but less than 67,900, according to the 2010
41 13 certified federal census, to construct a flood mitigation
41 14 project shall receive the limitation on liability contained
41 15 in section 670.4, subsection 8, for its facilities described
41 16 in section 327F.2 governed by the written agreement for any
41 17 damages caused by the alteration due to a flood.
41 18 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
41 19 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING
41 20 ==== APPLICABILITY. The limitation on expenditures made for
41 21 office supplies, purchases of equipment, office equipment, and
41 22 equipment noninventory, printing and binding, and marketing
41 23 implemented pursuant to 2011 Iowa Acts, House File 45, section
41 24 2, does not apply to a department or agency receiving a
41 25 supplemental appropriation for the fiscal year beginning July
41 26 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209, division
41 27 III.
41 28 Sec. 90. ELECTIONS=RELATED SOFTWARE.
41 29 Any computer software developed by a county for purposes of
41 30 election activities is the property of the county unless the
41 31 county sells the rights to the software.
41 32 Sec. 91. EFFECTIVE DATE ==== 2011 IOWA ACTS, SENATE FILE 205.
41 33 1. 2011 Iowa Acts, Senate File 205, section 3, amending
41 34 section 321.47, subsection 2, being deemed of immediate
41 35 importance, takes effect on the effective date of this section



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42 1 of this division of this Act.

42 2 2. 2011 Iowa Acts, Senate File 205, section 4, enacting
42 3 section 321.113, subsection 5, being deemed of immediate
42 4 importance, takes effect on the effective date of this section
42 5 of this division of this Act.

42 6 3. 2011 Iowa Acts, Senate File 205, section 5, amending
42 7 section 321.121, subsection 1, paragraph "b", being deemed of
42 8 immediate importance, takes effect on the effective date of
42 9 this section of this division of this Act.

42 10 4. 2011 Iowa Acts, Senate File 205, section 6, enacting
42 11 section 321.122, subsection 1, paragraph "b", subparagraph
42 12 (3), being deemed of immediate importance, takes effect on the
42 13 effective date of this section of this division of this Act.

42 14 Sec. 92. Section 80B.6, subsection 1, as amended by 2011
42 15 Iowa Acts, Senate File 236, section 1, is amended to read as
42 16 follows:

42 17 1. An Iowa law enforcement academy council is created
42 18 consisting of the following ~~thirteen~~ fifteen voting members
42 19 appointed by the governor, subject to confirmation by the
42 20 senate, to terms of four years commencing as provided in
42 21 section 69.19:

42 22 a. Three residents of the state.

42 23 b. A sheriff of a county with a population of fifty thousand
42 24 persons or more who is a member of the Iowa state sheriffs and
42 25 deputies association.

42 26 c. A sheriff of a county with a population of less than
42 27 fifty thousand persons who is a member of the Iowa state
42 28 sheriffs and deputies association.

42 29 d. A deputy sheriff of a county who is a member of the Iowa
42 30 state sheriffs and deputies association.

42 31 e. A member of the Iowa peace officers association.

42 32 f. A member of the Iowa state police association.

42 33 g. A member of the Iowa police chiefs association.

42 34 h. A police officer who is a member of a police department
42 35 of a city with a population of fifty thousand persons or more.



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43 1 i. A police officer who is a member of a police department
43 2 of a city with a population of less than fifty thousand
43 3 persons.

43 4 j. A member of the department of public safety.

43 5 k. A member of the office of motor vehicle enforcement of
43 6 the department of transportation.

43 7 l. An employee of a county conservation board who is a
43 8 certified peace officer.

43 9 m. A conservation peace officer employed under section
43 10 456A.13.

43 11 Sec. 93. Section 256C.5, subsection 1, paragraph c, Code
43 12 2011, is amended to read as follows:

43 13 c. "Preschool budget enrollment" means the figure that
43 14 is equal to ~~sixty~~ fifty percent of the actual enrollment of
43 15 eligible students in the preschool programming provided by
43 16 a school district approved to participate in the preschool
43 17 program on October 1 of the base year, or the first Monday in
43 18 October if October 1 falls on a Saturday or Sunday.

43 19 Sec. 94. Section 279.51, subsection 2, Code 2011, is amended
43 20 to read as follows:

43 21 2. a. Funds allocated under subsection 1, paragraph "b",
43 22 shall be used by the child development coordinating council for
43 23 the following:

43 24 ~~a.~~ (1) To continue funding for programs previously
43 25 funded by grants awarded under section 256A.3 and to provide
43 26 additional grants under section 256A.3. The council shall seek
43 27 to provide grants on the basis of the location within the state
43 28 of children meeting at-risk definitions.

43 29 ~~b.~~ (2) At the discretion of the child development
43 30 coordinating council, award grants for the following:

43 31 ~~(1)~~ (a) To school districts to establish programs for
43 32 three-year-old, four-year-old, and five-year-old at-risk
43 33 children which are a combination of preschool and full-day
43 34 kindergarten.

43 35 ~~(2)~~ (b) To provide grants to provide educational support



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44 1 services to parents of at-risk children age birth through three
44 2 years.

44 3 b. A grantee under this subsection may direct the use of
44 4 moneys received to serve any qualifying child ranging in age
44 5 from three years old to five years old, regardless of the age
44 6 of population indicated on the grant request in its initial
44 7 year of application. A grantee is encouraged to consider the
44 8 degree to which the program complements existing programs and
44 9 services for three-year-old, four-year-old, and five-year-old
44 10 at-risk children available in the area, including other child
44 11 care and preschool services, services provided through a school
44 12 district, and services available through an area education
44 13 agency.

44 14 Sec. 95. Section 303.19A, subsection 1, as enacted by 2011
44 15 Iowa Acts, House File 267, section 2, is amended to read as
44 16 follows:

44 17 1. The state historic preservation officer shall only
44 18 recommend that a rural electric cooperative or a municipal
44 19 utility constructing electric distribution and transmission
44 20 facilities for which it is receiving federal funding conduct
44 21 an archeological site survey of its proposed route when, based
44 22 upon a review of existing information on historic properties
44 23 within the area of potential effects of the construction, the
44 24 state historic preservation officer has determined that a
44 25 historic property, as defined by the federal National Historic
44 26 Preservation Act of 1966, as amended, is likely to exist within
44 27 the proposed route.

44 28 Sec. 96. Section 321J.2, subsection 4, paragraph b, Code
44 29 2011, is amended to read as follows:

44 30 b. Assessment of a minimum fine of one thousand eight
44 31 hundred ~~fifty~~ seventy-five dollars and a maximum fine of six
44 32 thousand two hundred fifty dollars. Surcharges and fees shall
44 33 be assessed pursuant to chapter 911.

44 34 Sec. 97. Section 453A.35, subsection 1, Code 2011, is
44 35 amended to read as follows:



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45 1 1. a. ~~The~~ With the exception of revenues credited to the
45 2 health care trust fund pursuant to paragraph "b", the proceeds
45 3 derived from the sale of stamps and the payment of taxes, fees,
45 4 and penalties provided for under this chapter, and the permit
45 5 fees received from all permits issued by the department, shall
45 6 be credited to the general fund of the state. ~~However, of~~
45 7 b. Of the revenues generated from the tax on cigarettes
45 8 pursuant to section 453A.6, subsection 1, and from the tax on
45 9 tobacco products as specified in section 453A.43, subsections
45 10 1, 2, 3, and 4, ~~and credited to the general fund of the state~~
45 11 ~~under this subsection, there is appropriated, annually, to the~~
45 12 ~~health care trust fund created in section 453A.35A, the first~~
45 13 ~~one hundred six million sixteen thousand four hundred dollars~~
45 14 ~~shall be credited to the health care trust fund created in~~
45 15 ~~section 453A.35A.~~

45 16 Sec. 98. Section 453A.35A, subsection 1, Code 2011, is
45 17 amended to read as follows:
45 18 1. A health care trust fund is created in the office of
45 19 the treasurer of state. The fund consists of the revenues
45 20 generated from the tax on cigarettes pursuant to section
45 21 453A.6, subsection 1, and from the tax on tobacco products
45 22 as specified in section 453A.43, subsections 1, 2, 3, and
45 23 4, that are credited to the ~~general fund of the state and~~
45 24 ~~appropriated to the~~ health care trust fund, annually, pursuant
45 25 to section 453A.35. Moneys in the fund shall be separate from
45 26 the general fund of the state and shall not be considered
45 27 part of the general fund of the state. However, the fund
45 28 shall be considered a special account for the purposes of
45 29 section 8.53 relating to generally accepted accounting
45 30 principles. Moneys in the fund shall be used only as specified
45 31 in this section and shall be appropriated only for the uses
45 32 specified. Moneys in the fund are not subject to section 8.33
45 33 and shall not be transferred, used, obligated, appropriated,
45 34 or otherwise encumbered, except as provided in this section.
45 35 Notwithstanding section 12C.7, subsection 2, interest or



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46 1 earnings on moneys deposited in the fund shall be credited to
46 2 the fund.

46 3 Sec. 99. Section 466B.31, subsection 2, paragraph a, Code
46 4 2011, is amended by adding the following new subparagraphs:

46 5 NEW SUBPARAGRAPH. (17) One member selected by the
46 6 agribusiness association of Iowa.

46 7 NEW SUBPARAGRAPH. (18) One member selected by the Iowa
46 8 floodplain and stormwater management association.

46 9 NEW SUBPARAGRAPH. (19) One member selected by Iowa rivers
46 10 revival.

46 11 Sec. 100. Section 537A.5, subsection 1, as enacted by 2011
46 12 Iowa Acts, Senate File 396, section 1, is amended to read as
46 13 follows:

46 14 1. As used in this section, "construction contract"
46 15 means an agreement relating to the construction, alteration,
46 16 improvement, development, demolition, excavation,
46 17 rehabilitation, maintenance, or repair of buildings, ~~highways,~~
~~46 18 roads, streets, bridges, tunnels, transportation facilities,~~
~~46 19 airports,~~ water or sewage treatment plants, power plants,
46 20 or any other improvements to real property in this state,
46 21 including shafts, wells, and structures, whether on ground,
46 22 above ground, or underground, and includes agreements for
46 23 architectural services, design services, engineering services,
46 24 construction services, construction management services,
46 25 development services, maintenance services, material purchases,
46 26 equipment rental, and labor. "Construction contract" includes
46 27 all public, private, foreign, or domestic agreements as
46 28 described in this subsection other than such public agreements
46 29 relating to highways, roads, and streets.

46 30 Sec. 101. Section 654.4B, subsection 2, paragraph b, Code
46 31 2011, is amended to read as follows:

46 32 b. This subsection is repealed July 1, ~~2011~~ 2012.

46 33 Sec. 102. APPLICABILITY. The section of this division of
46 34 this Act amending section 256C.5, subsection 1, takes effect
46 35 upon enactment, and applies to budget years beginning on or



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47 1 after July 1, 2011.
47 2 Sec. 103. EFFECTIVE UPON ENACTMENT. The following
47 3 provision or provisions of this division of this Act, being
47 4 deemed of immediate importance, take effect upon enactment:
47 5 1. The section of this division of this Act amending section
47 6 303.19A.
47 7 2. The section of this division of this Act amending section
47 8 654.4B.
47 9 3. The section of this division of this Act appropriating
47 10 moneys to the department of cultural affairs for purposes of a
47 11 grant for the battleship Iowa, BB=61.
47 12 4. The section of this division of this Act creating a task
47 13 force on the prevention of sexual abuse of children.
47 14 5. The section of this division of this Act providing
47 15 effective dates for certain provisions in 2011 Iowa Acts,
47 16 Senate File 205.
47 17 6. The section in this division of this Act making an
47 18 appropriation to the Iowa finance authority for a group home
47 19 grant.
47 20 7. The section of this division of this Act relating to
47 21 a school district participating on a contractual basis in a
47 22 special education instructional program operated by an area
47 23 education agency.
47 24 Sec. 104. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 25 APPLICABILITY. The provision of this division of this Act
47 26 relating to a limitation on state agency office supplies
47 27 purchase, equipment purchases, printing and binding, and
47 28 marketing as enacted by 2011 Iowa Acts, House File 45, being
47 29 deemed of immediate importance, takes effect upon enactment and
47 30 applies retroactively to March 7, 2011.
47 31 DIVISION VIII
47 32 APPROPRIATION TRANSFERS
47 33 REBUILD IOWA INFRASTRUCTURE FUND
47 34 Sec. 105. 2010 Iowa Acts, chapter 1184, section 26, is
47 35 amended to read as follows:



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48 1 SEC. 26. There is appropriated from the rebuild Iowa
48 2 infrastructure fund to the department of economic development
48 3 for deposit in the grow Iowa values fund, for the fiscal year
48 4 beginning July 1, 2010, and ending June 30, 2011, the following
48 5 amount, notwithstanding section 8.57, subsection 6, paragraph
48 6 "c":

48 7 \$ 38,000,000

48 8 Of the moneys appropriated in this section, from the
48 9 amount allocated to the department of economic development
48 10 in accordance with 2010 Iowa Acts, chapter 1184, section 28,
48 11 subsection 1, \$1,200,000 shall be used for the department's
48 12 Iowans helping Iowans business assistance program.

48 13 Notwithstanding section 8.33, moneys designated pursuant
48 14 to this unnumbered paragraph that remain unencumbered or
48 15 unobligated at the close of the fiscal year shall not revert
48 16 but shall remain available for expenditure for the purposes
48 17 designated until the close of the succeeding fiscal year.

48 18 CASH RESERVE FUND

48 19 Sec. 106. 2010 Iowa Acts, chapter 1193, section 90,
48 20 subsection 1, is amended to read as follows:

48 21 1. DEPARTMENT OF HUMAN SERVICES

48 22 For the medical assistance program:

48 23 \$187,800,000

48 24 a. Of the moneys appropriated in this subsection, the
48 25 following amounts shall be transferred as follows:

48 26 (1) To the Iowa finance authority to be used for the Iowans
48 27 helping Iowans housing assistance program:

48 28 \$ 6,050,000

48 29 (2) To the department of human services to be used for the
48 30 unmet needs program administered by the department:

48 31 \$ 3,056,603

48 32 b. Notwithstanding section 8.33, moneys transferred
48 33 pursuant to paragraph "a" that remain unencumbered or
48 34 unobligated at the close of the fiscal year shall not revert
48 35 but shall remain available for expenditure for the purposes



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49 1 designated until the close of the succeeding fiscal year.

49 2 Sec. 107. EFFECTIVE DATE ==== APPLICABILITY.

49 3 1. This division of this Act being deemed of immediate
49 4 importance takes effect upon enactment, and if approved by the
49 5 governor on or after July 1, 2011, are retroactively applicable
49 6 to the date specified in subsection 2.

49 7 2. The provisions of this division of this Act providing
49 8 for transfers are retroactively applicable to August 27,
49 9 2010, and apply in lieu of the transfers made for the same
49 10 purposes by the executive branch, as reported by the department
49 11 of management in the transfer notice to the governor and
49 12 lieutenant governor dated August 27, 2010.

49 13 DIVISION IX

49 14 REORGANIZATION

49 15 Sec. 108. NEW SECTION. 8.75 Contract services ==== training.

49 16 1. Each department, as defined in section 8.2, shall
49 17 separately track the budget and actual expenditures for
49 18 contract services and for employee training for each
49 19 appropriation line item.

49 20 2. The terms of the contracts for contracted services
49 21 entered into or revised during the fiscal year shall
49 22 incorporate quality assurance and cost control measures.

49 23 3. The employee training tracking information shall be
49 24 further divided into training categories. Each department's
49 25 report on training tracking shall specifically address the use
49 26 of electronically based training.

49 27 4. Each department shall report to the legislative services
49 28 agency on January 15 and July 15 of each year concerning
49 29 the budget, expenditure, quality assurance, and cost control
49 30 information addressed by this section for the previous six
49 31 calendar months.

49 32 Sec. 109. NEW SECTION. 8A.319 State government purchasing
49 33 efforts ==== department of administrative services.

49 34 In order to facilitate efficient and cost=effective
49 35 purchasing, the department of administrative services shall do



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50 1 the following:

50 2 1. Require state agencies to provide the department with
50 3 a report regarding planned purchases on an annual basis and
50 4 to report on an annual basis regarding efforts to standardize
50 5 products and services within their own agencies and with other
50 6 state agencies.

50 7 2. Require state employees who conduct bids for services to
50 8 receive training on an annual basis about procurement rules and
50 9 procedures and procurement best practices.

50 10 3. Identify procurement compliance employees within the
50 11 department.

50 12 4. Review the process and basis for establishing
50 13 departmental fees for purchasing.

50 14 5. Establish a work group to collaborate on best practices
50 15 to implement the best cost savings for the state concerning
50 16 purchasing.

50 17 6. Explore interstate and intergovernmental purchasing
50 18 opportunities and encourage the legislative and judicial
50 19 branches to participate in consolidated purchasing and
50 20 efficiencies wherever possible.

50 21 7. Expand the use of procurement cards throughout state
50 22 government to facilitate purchasing of items by state agencies.

50 23 Sec. 110. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
50 24 TECHNOLOGY ==== UTILIZATION BY LEGISLATIVE AND JUDICIAL
50 25 BRANCH. The department of administrative services shall
50 26 consult with and explore opportunities with the legislative
50 27 and judicial branches of government relative to the providing
50 28 of information technology services to those branches of
50 29 government.

50 30 Sec. 111. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
50 31 agencies, as defined in section 8A.101, should, to the greatest
50 32 extent possible, utilize electronic mail or similar electronic
50 33 means to notify holders of licenses or permits issued by that
50 34 state agency that the license or permit needs to be renewed.
50 35 The chief information officer of the state shall assist state



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51 1 agencies in implementing the directive in this section.
51 2 Sec. 112. STATE AGENCY EFFICIENCY EFFORTS.
51 3 1. LEAN EFFORTS. State agencies shall budget for and plan
51 4 to conduct lean projects as described in section 8.70. Each
51 5 state agency shall coordinate its activities with the office of
51 6 lean enterprise created in section 8.70 in developing plans to
51 7 conduct lean projects.
51 8 2. SHARED RESOURCES. State agencies are encouraged to
51 9 share resources and services, including staff, training, and
51 10 educational services, to the greatest extent possible in order
51 11 to best fulfill the duties of each agency at the least cost.
51 12 Sec. 113. JOINT APPROPRIATIONS SUBCOMMITTEES ==== REVIEW OF
51 13 AGENCY FEES. Each joint appropriations subcommittee of the
51 14 general assembly shall examine and review on an annual basis
51 15 the fees charged by state agencies under the purview of that
51 16 joint appropriations subcommittee.
51 17 Sec. 114. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
51 18 STREAMLINED HIRING. The department of administrative services
51 19 shall, in consultation with the department of management,
51 20 examine the process by which state agencies hire personnel
51 21 with the goal of simplifying and reducing the steps needed
51 22 for state agencies to hire personnel. The department shall
51 23 provide information to the general assembly concerning steps
51 24 taken to implement a more streamlined hiring process and any
51 25 recommendations for legislative action.
51 26 Sec. 115. TOBACCO RETAIL COMPLIANCE CHECKS. For the
51 27 fiscal year beginning July 1, 2011, and ending June 30, 2012,
51 28 the terms of a chapter 28D agreement, entered into between
51 29 the division of tobacco use prevention and control of the
51 30 department of public health and the alcoholic beverages
51 31 division of the department of commerce, governing compliance
51 32 checks conducted to ensure licensed retail tobacco outlet
51 33 conformity with tobacco laws, regulations, and ordinances
51 34 relating to persons under eighteen years of age, shall restrict
51 35 the number of such checks to one check per retail outlet, and



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52 1 one additional check for any retail outlet found to be in
52 2 violation during the first check.
52 3 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
52 4 CENTRALIZED PAYROLL SYSTEM. The department of administrative
52 5 services shall examine the possibility of merging all state
52 6 payroll systems into the centralized payroll system operated
52 7 by the department. The department shall consult with those
52 8 entities of state government not utilizing the centralized
52 9 payroll system, including but not limited to the state
52 10 department of transportation, about strategies for encouraging
52 11 utilization of the state's centralized payroll system and by
52 12 identifying those barriers preventing merging of the payroll
52 13 systems. The department shall provide information to the joint
52 14 appropriations subcommittee on administration and regulation
52 15 concerning efforts by the department to merge payroll systems
52 16 and any recommendations for legislative action to encourage, or
52 17 eliminate barriers to, the provision of payroll services by the
52 18 department to other state agencies.

52 19 DIVISION X

52 20 MEDICATION THERAPY MANAGEMENT

52 21 Sec. 117. 2010 Iowa Acts, chapter 1193, section 166,
52 22 subsections 2 and 3, are amended to read as follows:
52 23 2. a. Prior to July 1, 2010, the department of
52 24 administrative services shall utilize a request for proposals
52 25 process to contract for the provision of medication therapy
52 26 management services beginning July 1, 2010, and prior to July
52 27 1, 2011, shall amend the contract to continue the provision of
52 28 medication therapy management services beginning July 1, 2011,
52 29 for eligible employees who meet any of the following criteria:
52 30 (1) An individual who takes four or more prescription drugs
52 31 to treat or prevent two or more chronic medical conditions.
52 32 (2) An individual with a prescription drug therapy problem
52 33 who is identified by the prescribing physician or other
52 34 appropriate prescriber, and referred to a pharmacist for
52 35 medication therapy management services.



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53 1 (3) An individual who meets other criteria established by
53 2 the third=party payment provider contract, policy, or plan.
53 3 ~~b. The department of administrative services shall~~
53 4 ~~utilize an advisory committee comprised of an equal number of~~
53 5 ~~physicians and pharmacists to provide advice and oversight~~
53 6 ~~regarding the request for proposals and evaluation processes.~~
53 7 ~~The department shall appoint the members of the advisory~~
53 8 ~~council based upon designees of the Iowa pharmacy association,~~
53 9 ~~the Iowa medical society, and the Iowa osteopathic medical~~
53 10 ~~association.~~
53 11 ~~e.~~ b. The contract shall require the company to provide
53 12 annual reports to the general assembly detailing the costs,
53 13 savings, estimated cost avoidance and return on investment,
53 14 and patient outcomes related to the medication therapy
53 15 management services provided. The company shall guarantee
53 16 demonstrated annual savings, including any savings associated
53 17 with cost avoidance at least equal to the program's costs
53 18 with any shortfall amount refunded to the state. As a proof
53 19 of concept in the program for the period beginning July 1,
53 20 2010, and ending June 30, 2011, the company shall offer a
53 21 dollar=for=dollar guarantee for drug product costs savings
53 22 alone. Prior to entering into a contract with a company,
53 23 the department and the company shall agree on the terms,
53 24 conditions, and applicable measurement standards associated
53 25 with the demonstration of savings. The department shall verify
53 26 the demonstrated savings reported by the company was performed
53 27 in accordance with the agreed upon measurement standards. The
53 28 company shall be prohibited from using the company's employees
53 29 to provide the medication therapy management services and shall
53 30 instead be required to contract with licensed pharmacies,
53 31 pharmacists, or physicians.
53 32 d. The fees for pharmacist=delivered medication therapy
53 33 management services shall be separate from the reimbursement
53 34 for prescription drug product or dispensing services; shall
53 35 be determined by each third=party payment provider contract,



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54 1 policy, or plan; and must be reasonable based on the resources
54 2 and time required to provide the service.

54 3 e. A fee shall be established for physician reimbursement
54 4 for services delivered for medication therapy management as
54 5 determined by each third-party payment provider contract,
54 6 policy, or plan, and must be reasonable based on the resources
54 7 and time required to provide the service.

54 8 f. If any part of the medication therapy management
54 9 plan developed by a pharmacist incorporates services which
54 10 are outside the pharmacist's independent scope of practice
54 11 including the initiation of therapy, modification of dosages,
54 12 therapeutic interchange, or changes in drug therapy, the
54 13 express authorization of the individual's physician or other
54 14 appropriate prescriber is required.

54 15 g. For the contract period beginning July 1, 2011, the
54 16 department shall utilize the services of the college of
54 17 pharmacy at a state university to validate reported drug cost
54 18 savings.

54 19 h. The results of the pilot program for the period beginning
54 20 July 1, 2010, and ending December 31, 2011, shall be submitted
54 21 to the general assembly no later than March 1, 2012.

54 22 3. This section is repealed December 31, ~~2011~~ 2012.

54 23 Sec. 118. TRANSFER ==== MEDICATION THERAPY MANAGEMENT
54 24 PROGRAM. There is transferred \$510,000 from the fees collected
54 25 by the board of pharmacy pursuant to chapter 155A and retained
54 26 by the board pursuant to the authority granted in section
54 27 147.82 to the department of administrative services for the
54 28 fiscal year beginning July 1, 2011, and ending June 30, 2012,
54 29 to be used to be used for the medication therapy management
54 30 program.

54 31 Sec. 119. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
54 32 APPLICABILITY. This division of this Act, being deemed of
54 33 immediate importance, takes effect upon enactment, and is
54 34 retroactively applicable to June 15, 2011.

54 35 DIVISION XI



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55 1 EARNED INCOME TAX CREDIT

55 2 Sec. 120. Section 422.12B, subsection 1, Code 2011, is
55 3 amended to read as follows:

55 4 1. The taxes imposed under this division less the credits
55 5 allowed under section 422.12 shall be reduced by an earned
55 6 income credit equal to ~~seven~~ ten percent of the federal earned
55 7 income credit provided in section 32 of the Internal Revenue
55 8 Code. Any credit in excess of the tax liability is refundable.
55 9 Sec. 121. RETROACTIVE APPLICABILITY. This division of this
55 10 Act applies retroactively to January 1, 2011, for tax years
55 11 beginning on or after that date.

55 12 DIVISION XII

55 13 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
55 14 OF GROWTH FOR EDUCATION ==== FY 2012=2013

55 15 Sec. 122. Section 257.8, subsection 1, Code 2011, is amended
55 16 to read as follows:

55 17 1. State percent of growth. ~~The state percent of growth~~
~~55 18 for the budget year beginning July 1, 2009, is four percent.~~
55 19 The state percent of growth for the budget year beginning July
55 20 1, 2010, is two percent. The state percent of growth for the
55 21 budget year beginning July 1, 2012, is three percent. The
55 22 state percent of growth for each subsequent budget year shall
55 23 be established by statute which shall be enacted within thirty
55 24 days of the submission in the year preceding the base year of
55 25 the governor's budget under section 8.21. The establishment of
55 26 the state percent of growth for a budget year shall be the only
55 27 subject matter of the bill which enacts the state percent of
55 28 growth for a budget year.

55 29 Sec. 123. Section 257.8, subsection 2, Code 2011, is amended
55 30 to read as follows:

55 31 2. Categorical state percent of growth. The categorical
55 32 state percent of growth for the budget year beginning July 1,
55 33 2010, is two percent. The categorical state percent of growth
55 34 for the budget year beginning July 1, 2012, is three percent.
55 35 The categorical state percent of growth for each budget year



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56 1 shall be established by statute which shall be enacted within
56 2 thirty days of the submission in the year preceding the
56 3 base year of the governor's budget under section 8.21. The
56 4 establishment of the categorical state percent of growth for a
56 5 budget year shall be the only subject matter of the bill which
56 6 enacts the categorical state percent of growth for a budget
56 7 year. The categorical state percent of growth may include
56 8 state percents of growth for the teacher salary supplement, the
56 9 professional development supplement, and the early intervention
56 10 supplement.

56 11 Sec. 124. CODE SECTION 257.8 ==== APPLICABILITY. The
56 12 requirements of section 257.8 regarding the time period
56 13 of enactment and the subject matter of the legislation
56 14 establishing the state percent of growth and the categorical
56 15 state percent of growth for a budget year are not applicable
56 16 to the division. The requirements of section 257.8 regarding
56 17 enactment of the regular program state percent of growth and
56 18 categorical state percent of growth within thirty days of
56 19 the submission in the year preceding the base year of the
56 20 governor's budget and the requirements that the subject matter
56 21 of each bill establishing the state percent of growth or the
56 22 categorical state percent of growth be the only subject matter
56 23 of the bill do not apply to this division of this Act.

56 24 Sec. 125. APPLICABILITY. This division of this Act is
56 25 applicable for computing state aid under the state school
56 26 foundation program for the school budget year beginning July
56 27 1, 2012.

56 28 DIVISION XIII

56 29 WITHHOLDING AGREEMENTS

56 30 Sec. 126. Section 403.19A, subsection 1, paragraphs c and f,
56 31 Code 2011, are amended to read as follows:

56 32 c. "Employer" means a business creating or retaining
56 33 targeted jobs in an urban renewal area of a pilot project city
56 34 pursuant to a withholding agreement.

56 35 f. "Targeted job" means a job in a business which is or



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57 1 will be located in an urban renewal area of a pilot project
57 2 city that pays a wage at least equal to the countywide average
57 3 wage. "Targeted job" includes new or retained jobs from Iowa
57 4 business expansions or retentions within the city limits of the
57 5 pilot project city and those jobs resulting from established
57 6 out-of-state businesses, as defined by the department of
57 7 economic development, moving to or expanding in Iowa.

57 8 Sec. 127. Section 403.19A, subsection 3, paragraph c,
57 9 subparagraph (1), Code 2011, is amended to read as follows:

57 10 (1) The pilot project city shall enter into a withholding
57 11 agreement with each employer concerning the targeted jobs
57 12 withholding credit. The withholding agreement shall provide
57 13 for the total amount of withholding tax credits awarded. An
57 14 agreement shall not provide for an amount of withholding
57 15 credits that exceeds the amount of the qualifying investment
57 16 made in the project. An agreement shall not be entered into
57 17 by a pilot project city with a business currently located in
57 18 this state unless the business either creates or retains ten
57 19 new jobs or makes a qualifying investment of at least five
57 20 hundred thousand dollars within the urban renewal area. The
57 21 withholding agreement may have a term of up to ten years. An
57 22 employer shall not be obligated to enter into a withholding
57 23 agreement. An agreement shall not be entered into with an
57 24 employer not already located in a pilot project city when
57 25 another Iowa community is competing for the same project and
57 26 both the pilot project city and the other Iowa community are
57 27 seeking assistance from the department.

57 28 Sec. 128. Section 403.19A, subsection 3, paragraph f, Code
57 29 2011, is amended to read as follows:

57 30 f. If the employer ceases to meet the requirements of the
57 31 withholding agreement, the agreement shall be terminated and
57 32 any withholding tax credits for the benefit of the employer
57 33 shall cease. However, in regard to the number of ~~new~~ jobs
57 34 that are to be created or retained, if the employer has met
57 35 the number of ~~new~~ jobs to be created or retained pursuant to



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58 1 the withholding agreement and subsequently the number of ~~new~~
58 2 jobs falls below the required level, the employer shall not
58 3 be considered as not meeting the ~~new~~ job requirement until
58 4 eighteen months after the date of the decrease in the number of
58 5 ~~new~~ jobs created or retained.

58 6 Sec. 129. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
58 7 APPLICABILITY. This division of this Act, being deemed of
58 8 immediate importance, takes effect upon enactment and applies
58 9 retroactively to July 1, 2006, for agreements entered into on
58 10 or after that date.

58 11 DIVISION XIV
58 12 SCHOOL EMPLOYEE MISCONDUCT

58 13 Sec. 130. Section 272.2, subsection 1, paragraph b, Code
58 14 2011, is amended by striking the paragraph and inserting in
58 15 lieu thereof the following:

58 16 b. Provide annually to any person who holds a license,
58 17 certificate, authorization, or statement of recognition
58 18 issued by the board, training relating to the knowledge and
58 19 understanding of the board's code of professional conduct and
58 20 ethics. The board shall develop a curriculum that addresses
58 21 the code of professional conduct and ethics and shall annually
58 22 provide regional training opportunities throughout the state.

58 23 Sec. 131. Section 272.15, subsection 1, Code 2011, is
58 24 amended to read as follows:

58 25 1. a. The board of directors of a school district or area
58 26 education agency, the superintendent of a school district or
58 27 the chief administrator of an area education agency, and the
58 28 authorities in charge of a nonpublic school shall report to the
58 29 board the nonrenewal or termination, for reasons of alleged
58 30 or actual misconduct, of a person's contract executed under
58 31 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
58 32 279.24, and the resignation of a person who holds a license,
58 33 certificate, or authorization issued by the board as a result
58 34 of or following an incident or allegation of misconduct that,
58 35 if proven, would constitute a violation of the rules adopted



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59 1 by the board to implement section 272.2, subsection 14,
59 2 paragraph "b", subparagraph (1), when the board or reporting
59 3 official has a good faith belief that the incident occurred
59 4 or the allegation is true. The board may deny a license or
59 5 revoke the license of an administrator if the board finds by
59 6 a preponderance of the evidence that the administrator failed
59 7 to report the termination or resignation of a school employee
59 8 holding a license, certificate, statement of professional
59 9 recognition, or coaching authorization, for reasons of alleged
59 10 or actual misconduct, as defined by this section.
59 11 b. Information reported to the board in accordance with this
59 12 section is privileged and confidential, and except as provided
59 13 in section 272.13, is not subject to discovery, subpoena, or
59 14 other means of legal compulsion for its release to a person
59 15 other than the respondent and the board and its employees and
59 16 agents involved in licensee discipline, and is not admissible
59 17 in evidence in a judicial or administrative proceeding other
59 18 than the proceeding involving licensee discipline. The board
59 19 shall review the information reported to determine whether a
59 20 complaint should be initiated. In making that determination,
59 21 the board shall consider the factors enumerated in section
59 22 272.2, subsection 14, paragraph "a".
59 23 c. For purposes of this section, unless the context
59 24 otherwise requires, "misconduct" means an action disqualifying
59 25 an applicant for a license or causing the license of a person
59 26 to be revoked or suspended in accordance with the rules
59 27 adopted by the board to implement section 272.2, subsection 14,
59 28 paragraph "b", subparagraph (1).
59 29 Sec. 132. Section 280.17, Code 2011, is amended to read as
59 30 follows:
59 31 280.17 Procedures for handling child abuse reports.
59 32 1. The board of directors of a ~~public~~ school district
59 33 and the authorities in ~~control~~ charge of a nonpublic school
59 34 shall prescribe procedures, in accordance with the guidelines
59 35 contained in the model policy developed by the department



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60 1 of education in consultation with the department of human
60 2 services, and adopted by the department of education pursuant
60 3 to chapter 17A, for the handling of reports of child abuse, as
60 4 defined in section 232.68, subsection 2, paragraph "a", "c", or
60 5 "e", alleged to have been committed by an employee or agent of
60 6 the public or nonpublic school.

60 7 2. a. The board of directors of a school district and the
60 8 authorities in charge of an accredited nonpublic school shall
60 9 place on administrative leave a school employee who is the
60 10 subject of an investigation of an alleged incident of abuse of
60 11 a student conducted in accordance with 281 IAC 102.

60 12 b. If the results of an investigation of abuse of a
60 13 student by a school employee who holds a license, certificate,
60 14 authorization, or statement of recognition issued by the board
60 15 of educational examiners finds that the school employee's
60 16 conduct constitutes a crime under any other statute, the board
60 17 or the authorities, as appropriate, shall report the results of
60 18 the investigation to the board of educational examiners.

60 19 Sec. 133. Section 280.27, Code 2011, is amended to read as
60 20 follows:

60 21 280.27 Reporting violence ==== immunity.

60 22 An employee of a school district, an accredited nonpublic
60 23 school, or an area education agency who participates in good
60 24 faith and acts reasonably in the making of a report to, or
60 25 investigation by, an appropriate person or agency regarding
60 26 violence, threats of violence, physical or sexual abuse of
60 27 a student, or other inappropriate activity against a school
60 28 employee or student in a school building, on school grounds,
60 29 or at a school=sponsored function shall be immune from civil
60 30 or criminal liability relating to such action, as well as for
60 31 participating in any administrative or judicial proceeding
60 32 resulting from or relating to the report or investigation.

60 33 DIVISION XV

60 34 BUSINESS PROPERTY TAX CREDITS

60 35 Sec. 134. Section 331.512, Code 2011, is amended by adding



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61 1 the following new subsection:

61 2 NEW SUBSECTION. 13A. Carry out duties relating to the
61 3 business property tax credit as provided in chapter 426C.

61 4 Sec. 135. Section 331.559, Code 2011, is amended by adding
61 5 the following new subsection:

61 6 NEW SUBSECTION. 14A. Carry out duties relating to the
61 7 business property tax credit as provided in chapter 426C.

61 8 Sec. 136. NEW SECTION. 426C.1 Definitions.

61 9 1. For the purposes of this chapter, unless the context
61 10 otherwise requires:

61 11 a. "Contiguous parcels" means any of the following:

61 12 (1) Parcels that share one or more common boundaries.

61 13 (2) Parcels within the same building or structure
61 14 regardless of whether the parcels share one or more common
61 15 boundaries.

61 16 (3) Improvements to the land that are situated on one or
61 17 more parcels of land that are assessed and taxed separately
61 18 from the improvements if the parcels of land upon which the
61 19 improvements are situated share one or more common boundaries.

61 20 b. "Department" means the department of revenue.

61 21 c. "Fund" means the business property tax credit fund
61 22 created in section 426C.2.

61 23 d. "Parcel" means as defined in section 445.1.

61 24 e. "Property unit" means contiguous parcels all of which
61 25 are located within the same county, with the same property tax
61 26 classification, each of which contains permanent improvements,
61 27 are owned by the same person, and are operated by that person
61 28 for a common use and purpose.

61 29 2. For purposes of this chapter, two or more parcels are
61 30 considered to be owned by the same person if the owners of
61 31 the parcels are business entities that share common ownership
61 32 of each entity in an amount equal to or in excess of fifty
61 33 percent.

61 34 Sec. 137. NEW SECTION. 426C.2 Business property tax credit
61 35 fund ==== appropriation.



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62 1 1. A business property tax credit fund is created in the
62 2 state treasury under the authority of the department. For the
62 3 fiscal year beginning July 1, 2012, there is appropriated from
62 4 the general fund of the state to the department to be credited
62 5 to the fund, the sum of fifty million dollars to be used for
62 6 business property tax credits authorized in this chapter. For
62 7 the fiscal year beginning July 1, 2013, and each fiscal year
62 8 thereafter, there is appropriated from the general fund of the
62 9 state to the department to be credited to the fund an amount
62 10 equal to the total amount appropriated by the general assembly
62 11 to the fund in the previous fiscal year. In addition, the sum
62 12 of fifty million dollars shall be added to the appropriation
62 13 in each fiscal year beginning on or after July 1, 2013, if
62 14 the revenue estimating conference certifies during its final
62 15 meeting of the calendar year ending prior to the beginning of
62 16 the fiscal year that the total amount of general fund revenues
62 17 collected during the fiscal year ending during such calendar
62 18 year was at least one hundred four percent of the total amount
62 19 of general fund revenues collected during the previous fiscal
62 20 year. However, the total appropriation to the fund shall not
62 21 exceed two hundred million dollars for any one fiscal year.

62 22 2. Notwithstanding section 12C.7, subsection 2, interest or
62 23 earnings on moneys deposited in the fund shall be credited to
62 24 the fund. Moneys in the fund are not subject to the provisions
62 25 of section 8.33 and shall not be transferred, used, obligated,
62 26 appropriated, or otherwise encumbered except as provided in
62 27 this chapter.

62 28 Sec. 138. NEW SECTION. 426C.3 Claims for credit.

62 29 1. Each person who wishes to claim the credit allowed
62 30 under this chapter shall obtain the appropriate forms from the
62 31 assessor and file the claim with the assessor. The director
62 32 of revenue shall prescribe suitable forms and instructions for
62 33 such claims, and make such forms and instructions available to
62 34 the assessors.

62 35 2. a. Claims for the business property tax credit shall be



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63 1 filed not later than March 15 preceding the fiscal year during
63 2 which the taxes for which the credit is claimed are due and
63 3 payable.
63 4 b. A claim filed after the deadline for filing claims shall
63 5 be considered as a claim for the following year.
63 6 3. Upon the filing of a claim and allowance of the credit,
63 7 the credit shall be allowed on the parcel or property unit for
63 8 successive years without further filing as long as the parcel
63 9 or property unit satisfies the requirements for the credit. If
63 10 the parcel or property unit owner ceases to qualify for the
63 11 credit under this chapter, the owner shall provide written
63 12 notice to the assessor by the date for filing claims specified
63 13 in subsection 2 following the date on which the parcel or
63 14 property unit ceases to qualify for the credit.
63 15 4. When all or a portion of a parcel or property unit that
63 16 is allowed a credit under this chapter is sold, transferred,
63 17 or ownership otherwise changes, the buyer, transferee, or new
63 18 owner who wishes to receive the credit shall refile the claim
63 19 for credit. When a portion of a parcel or property unit that
63 20 is allowed a credit under this chapter is sold, transferred,
63 21 or ownership otherwise changes, the owner of the portion of
63 22 the parcel or property unit for which ownership did not change
63 23 shall refile the claim for credit.
63 24 5. The assessor shall remit the claims for credit to the
63 25 county auditor with the assessor's recommendation for allowance
63 26 or disallowance. If the assessor recommends disallowance
63 27 of a claim, the assessor shall submit the reasons for the
63 28 recommendation, in writing, to the county auditor. The county
63 29 auditor shall forward the claims to the board of supervisors.
63 30 The board shall allow or disallow the claims.
63 31 6. For each claim and allowance of a credit for a property
63 32 unit, the county auditor shall calculate the average of all
63 33 consolidated levy rates applicable to the several parcels
63 34 within the property unit. All claims for credit which have
63 35 been allowed by the board of supervisors, the actual value of



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64 1 the improvements to such parcels and property units applicable
64 2 to the fiscal year for which the credit is claimed that are
64 3 subject to assessment and taxation prior to imposition of any
64 4 applicable assessment limitation, the consolidated levy rates
64 5 for such parcels and the average consolidated levy rates for
64 6 such property units applicable to the fiscal year for which the
64 7 credit is claimed, and the taxing districts in which the parcel
64 8 or property unit is located, shall be certified on or before
64 9 June 15, in each year, by the county auditor to the department.

64 10 7. The assessor shall maintain a permanent file of current
64 11 business property tax credits. The assessor shall file a
64 12 notice of transfer of property for which a credit has been
64 13 allowed when notice is received from the office of the county
64 14 recorder, from the person who sold or transferred the property,
64 15 or from the personal representative of a deceased property
64 16 owner. The county recorder shall give notice to the assessor
64 17 of each transfer of title filed in the recorder's office. The
64 18 notice from the county recorder shall describe the property
64 19 transferred, the name of the person transferring title to the
64 20 property, and the name of the person to whom title to the
64 21 property has been transferred.

64 22 Sec. 139. NEW SECTION. 426C.4 Eligibility and amount of
64 23 credit.

64 24 1. Each parcel classified and taxed as commercial property,
64 25 industrial property, or railway property under chapter 434,
64 26 and improved with permanent construction, is eligible for a
64 27 credit under this chapter. A person may claim and receive one
64 28 credit under this chapter for each eligible parcel unless the
64 29 parcel is part of a property unit. A person may only claim and
64 30 receive one credit under this chapter for each property unit.
64 31 A credit approved for a property unit shall be allocated to the
64 32 several parcels within the property unit in the proportion that
64 33 each parcel's total amount of property taxes due and payable
64 34 attributable to the improvements bears to the total amount of
64 35 property taxes due and payable attributable to the improvements



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65 1 for the property unit. Only property units comprised of
65 2 commercial property, comprised of industrial property, or
65 3 comprised of railway property under chapter 434 are eligible
65 4 for a credit under this chapter.

65 5 2. Using the actual value of the improvements and the
65 6 consolidated levy rate for each parcel or the average
65 7 consolidated levy rate for each property unit, as certified
65 8 by the county auditor to the department under section 426C.3,
65 9 subsection 6, the department shall calculate, for each fiscal
65 10 year, an initial amount of actual value of improvements for
65 11 use in determining the amount of the credit for each such
65 12 parcel or property unit so as to provide the maximum possible
65 13 credit according to the credit formula and limitations under
65 14 subsection 3, and to provide a total dollar amount of credits
65 15 against the taxes due and payable in the fiscal year equal to
65 16 ninety-eight percent of the moneys in the fund following the
65 17 deposit of the total appropriation for the fiscal year.

65 18 3. a. The amount of the credit for each parcel or property
65 19 unit for which a claim for credit under this chapter has
65 20 been approved shall be calculated under paragraph "b" using
65 21 the lesser of the initial amount of actual value of the
65 22 improvements determined by the department under subsection
65 23 2, and the actual value of the improvements to the parcel or
65 24 property unit as certified by the county auditor under section
65 25 426C.3, subsection 6.

65 26 b. The amount of the credit for each parcel or property
65 27 unit for which a claim for credit under this chapter has
65 28 been approved shall be equal to the amount of actual value
65 29 determined under paragraph "a" multiplied by the difference,
65 30 stated as a percentage, between the assessment limitation
65 31 applicable to the parcel or property unit under section 441.21,
65 32 subsection 5, and the assessment limitation applicable to
65 33 residential property under section 441.21, subsection 4,
65 34 divided by one thousand dollars, and then multiplied by the
65 35 consolidated levy rate or average consolidated levy rate per



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66 1 one thousand dollars of taxable value applicable to the parcel
66 2 or property unit for the fiscal year for which the credit
66 3 is claimed as certified by the county auditor under section
66 4 426C.3, subsection 6.
66 5 Sec. 140. NEW SECTION. 426C.5 Payment to counties.
66 6 1. Annually the department shall certify to the county
66 7 auditor of each county the amounts of the business property
66 8 tax credits allowed in the county. Each county auditor shall
66 9 then enter the credits against the tax levied on each eligible
66 10 parcel or property unit in the county, designating on the tax
66 11 lists the credit as being from the fund. Each taxing district
66 12 shall receive its share of the business property tax credit
66 13 allowed on each eligible parcel or property unit in such taxing
66 14 district, in the proportion that the levy made by such taxing
66 15 district upon the parcel or property unit bears to the total
66 16 levy upon the parcel or property unit by all taxing districts
66 17 imposing a property tax in such taxing district. However, the
66 18 several taxing districts shall not draw the moneys so credited
66 19 until after the semiannual allocations have been received by
66 20 the county treasurer, as provided in this section. Each county
66 21 treasurer shall show on each tax receipt the amount of credit
66 22 received from the fund.
66 23 2. The director of the department of administrative
66 24 services shall issue warrants on the fund payable to the county
66 25 treasurers of the several counties of the state under this
66 26 chapter.
66 27 3. The amount due each county shall be paid in two payments
66 28 on November 15 and March 15 of each fiscal year, drawn upon
66 29 warrants payable to the respective county treasurers. The two
66 30 payments shall be as nearly equal as possible.
66 31 Sec. 141. NEW SECTION. 426C.6 Appeals.
66 32 1. If the board of supervisors disallows a claim for credit
66 33 under section 426C.3, subsection 5, the board of supervisors
66 34 shall send written notice, by mail, to the claimant at the
66 35 claimant's last known address. The notice shall state the



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67 1 reasons for disallowing the claim for the credit. The board
67 2 of supervisors is not required to send notice that a claim for
67 3 credit is disallowed if the claimant voluntarily withdraws the
67 4 claim. Any person whose claim is denied under the provisions
67 5 of this chapter may appeal from the action of the board of
67 6 supervisors to the district court of the county in which the
67 7 parcel or property unit is located by giving written notice
67 8 of such appeal to the county auditor within twenty days from
67 9 the date of mailing of notice of such action by the board of
67 10 supervisors.

67 11 2. If any claim for credit has been denied by the board
67 12 of supervisors, and such action is subsequently reversed on
67 13 appeal, the credit shall be allowed on the applicable parcel
67 14 or property unit, and the director of revenue, the county
67 15 auditor, and the county treasurer shall provide the credit and
67 16 change their books and records accordingly. In the event the
67 17 appealing taxpayer has paid one or both of the installments of
67 18 the tax payable in the year or years in question, remittance
67 19 shall be made to such taxpayer of the amount of such credit.
67 20 The amount of such credit awarded on appeal shall be allocated
67 21 and paid from the balance remaining in the fund.

67 22 Sec. 142. NEW SECTION. 426C.7 Audit ==== denial.

67 23 1. If on the audit of a credit provided under this chapter,
67 24 the director of revenue determines the amount of the credit
67 25 to have been incorrectly calculated or that the credit is
67 26 not allowable, the director shall recalculate the credit and
67 27 notify the taxpayer and the county auditor of the recalculation
67 28 or denial and the reasons for it. The director shall not
67 29 adjust a credit after three years from October 31 of the year
67 30 in which the claim for the credit was filed. If the credit
67 31 has been paid, the director shall give notification to the
67 32 taxpayer, the county treasurer, and the applicable assessor
67 33 of the recalculation or denial of the credit and the county
67 34 treasurer shall proceed to collect the tax owed in the same
67 35 manner as other property taxes due and payable are collected,



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68 1 if the parcel or property unit for which the credit was allowed
68 2 is still owned by the taxpayer. If the parcel or property unit
68 3 for which the credit was allowed is not owned by the taxpayer,
68 4 the amount may be recovered from the taxpayer by assessment in
68 5 the same manner that income taxes are assessed under sections
68 6 422.26 and 422.30. The amount of such erroneous credit, when
68 7 collected, shall be deposited in the fund.

68 8 2. The taxpayer or board of supervisors may appeal any
68 9 decision of the director of revenue to the state board of tax
68 10 review pursuant to section 421.1, subsection 5. The taxpayer,
68 11 the board of supervisors, or the director of revenue may seek
68 12 judicial review of the action of the state board of tax review
68 13 in accordance with chapter 17A.

68 14 Sec. 143. NEW SECTION. 426C.8 False claim ==== penalty.

68 15 A person who makes a false claim for the purpose of obtaining
68 16 a credit provided for in this chapter or who knowingly receives
68 17 the credit without being legally entitled to it is guilty of a
68 18 fraudulent practice. The claim for a credit of such a person
68 19 shall be disallowed and if the credit has been paid the amount
68 20 shall be recovered in the manner provided in section 426C.7.
68 21 In such cases, the director of revenue shall send a notice of
68 22 disallowance of the credit.

68 23 Sec. 144. NEW SECTION. 426C.9 Rules.

68 24 The director of revenue shall prescribe forms, instructions,
68 25 and rules pursuant to chapter 17A, as necessary, to carry out
68 26 the purposes of this chapter.

68 27 Sec. 145. IMPLEMENTATION. Notwithstanding the deadline
68 28 for filing claims established in section 426C.3, for a credit
68 29 against property taxes due and payable during the fiscal year
68 30 beginning July 1, 2012, the claim for the credit shall be filed
68 31 not later than January 15, 2012.

68 32 Sec. 146. APPLICABILITY. This division of this Act applies
68 33 to property taxes due and payable in fiscal years beginning on
68 34 or after July 1, 2012.

68 35 DIVISION XVI



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69 1 COUNTY AND CITY BUDGET LIMITATION
69 2 Sec. 147. Section 28M.5, subsection 2, Code 2011, is amended
69 3 to read as follows:
69 4 2. If a regional transit district budget allocates
69 5 revenue responsibilities to the board of supervisors of a
69 6 participating county, the amount of the regional transit
69 7 district levy that is the responsibility of the participating
69 8 county shall be deducted from the maximum ~~rates~~ amount of taxes
69 9 authorized to be levied by the county pursuant to section
69 10 331.423, ~~subsections 1 and 2~~ subsection 3, paragraphs "b"
69 11 and "c", as applicable, unless the county meets its revenue
69 12 responsibilities as allocated in the budget from other
69 13 available revenue sources. However, for a regional transit
69 14 district that includes a county with a population of less than
69 15 three hundred thousand, the amount of the regional transit
69 16 district levy that is the responsibility of such participating
69 17 county shall be deducted from the maximum ~~rate~~ amount of taxes
69 18 authorized to be levied by the county pursuant to section
69 19 331.423, subsection ~~4~~ 3, paragraph "b".
69 20 Sec. 148. Section 331.263, subsection 2, Code 2011, is
69 21 amended to read as follows:
69 22 2. The governing body of the community commonwealth
69 23 shall have the authority to levy county taxes and shall
69 24 have the authority to levy city taxes to the extent the
69 25 city tax levy authority is transferred by the charter to
69 26 the community commonwealth. A city participating in the
69 27 community commonwealth shall transfer a portion of the
69 28 city's tax levy authorized under section 384.1 or 384.12,
69 29 whichever is applicable, to the governing body of the community
69 30 commonwealth. The maximum ~~rates~~ amount of taxes authorized to
69 31 be levied under ~~sections~~ section 384.1 and the maximum amount
69 32 of taxes authorized to be levied under section 384.12 by a city
69 33 participating in the community commonwealth shall be reduced
69 34 by an amount equal to the rates of the same or similar taxes
69 35 levied in the city by the governing body of the community



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70 1 commonwealth.
70 2 Sec. 149. Section 331.421, Code 2011, is amended by adding
70 3 the following new subsection:
70 4 NEW SUBSECTION. 7A. "Item" means a budgeted expenditure,
70 5 appropriation, or cash reserve from a fund for a service area,
70 6 program, program element, or purpose.
70 7 Sec. 150. Section 331.423, Code 2011, is amended by striking
70 8 the section and inserting in lieu thereof the following:
70 9 331.423 Property tax dollars ==== basic levy maximums.
70 10 1. Annually, the board shall determine separate property
70 11 tax levy limits to pay for general county services and rural
70 12 county services in accordance with this section. The basic
70 13 levies separately certified for general county services and
70 14 rural county services under section 331.434 shall not raise
70 15 property tax dollars that exceed the amount determined under
70 16 this section.
70 17 2. For purposes of this section and section 331.423B, unless
70 18 the context otherwise requires:
70 19 a. "Annual growth factor" means an index, expressed as
70 20 a percentage, determined by the department of management by
70 21 November 1 of the calendar year preceding the calendar year in
70 22 which the budget year begins. In determining the annual growth
70 23 factor, the department shall calculate the average of the
70 24 preceding three-year percentage change, which shall be computed
70 25 on an annual basis, in the midwest consumer price index, ending
70 26 with the percentage change for the month of September. The
70 27 department shall then add that average percentage change to one
70 28 hundred percent.
70 29 b. "Boundary adjustment" means annexation, severance,
70 30 incorporation, or discontinuance as those terms are defined in
70 31 section 368.1.
70 32 c. "Budget year" is the fiscal year beginning during the
70 33 calendar year in which a budget is certified.
70 34 d. "Current fiscal year" is the fiscal year ending during
70 35 the calendar year in which a budget is certified.



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71 1 e. "Net new valuation taxes" means the amount of property
71 2 tax dollars equal to the current fiscal year's basic levy rate
71 3 in the county for general county services or for rural county
71 4 services, as applicable, multiplied by the increase from the
71 5 current fiscal year to the budget year in taxable valuation due
71 6 to the following:

71 7 (1) Net new construction, including all incremental
71 8 valuation that is released in any one year from a division of
71 9 revenue under section 260E.4 or an urban renewal area for which
71 10 taxes were being divided under section 403.19, regardless of
71 11 whether the property for the valuation being released remains
71 12 subject to the division of revenue under section 260E.4 or
71 13 remains part of the urban renewal area that is subject to
71 14 a division of revenue under section 403.19. The amount of
71 15 property tax dollars attributable to such incremental valuation
71 16 being released from a division of revenue shall be subtracted
71 17 from the maximum amount of property tax dollars which may
71 18 be certified for the next following fiscal year if such
71 19 incremental valuation is not released for the next following
71 20 fiscal year.

71 21 (2) Additions or improvements to existing structures.

71 22 (3) Remodeling of existing structures for which a building
71 23 permit is required.

71 24 (4) Net boundary adjustment.

71 25 (5) A municipality no longer dividing tax revenues in an
71 26 urban renewal area as provided in section 403.19 or a community
71 27 college no longer dividing revenues as provided in section
71 28 260E.4.

71 29 (6) That portion of taxable property located in an urban
71 30 revitalization area on which an exemption was allowed and such
71 31 exemption has expired.

71 32 f. "Unfunded federal and state mandate cost growth" means an
71 33 amount of increased expenditures for a county from the previous
71 34 fiscal year, to the extent such expenditures are not funded by
71 35 the county's supplemental levy under section 331.424, resulting



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72 1 from any of the following:

72 2 (1) A federal statutory requirement or appropriation
72 3 that requires the county to establish, expand, or modify its
72 4 activities in a manner which necessitates additional annual
72 5 expenditures and for which insufficient funding is provided to
72 6 the county to satisfy such requirements.

72 7 (2) A state mandate as defined in section 25B.3, and for
72 8 which insufficient funding is provided to the county to satisfy
72 9 the requirements of the state mandate.

72 10 3. a. For the fiscal year beginning July 1, 2013, and
72 11 subsequent fiscal years, the maximum amount of property tax
72 12 dollars which may be certified for levy by a county for general
72 13 county services and rural county services shall be the maximum
72 14 property tax dollars calculated under paragraphs "b" and "c",
72 15 respectively.

72 16 b. The maximum property tax dollars that may be levied for
72 17 general county services is an amount equal to the sum of the
72 18 following:

72 19 (1) The annual growth factor times the current fiscal year's
72 20 maximum property tax dollars for general county services.

72 21 (2) The amount of net new valuation taxes in the county.

72 22 (3) The unfunded federal and state mandate cost growth minus
72 23 the amount specified in paragraph "c", subparagraph (3).

72 24 c. The maximum property tax dollars that may be levied for
72 25 rural county services is an amount equal to the sum of the
72 26 following:

72 27 (1) The annual growth factor times the current fiscal year's
72 28 maximum property tax dollars for rural county services.

72 29 (2) The amount of net new valuation taxes in the
72 30 unincorporated area of the county.

72 31 (3) The unfunded federal and state mandate cost growth
72 32 attributable to the costs incurred by the county for rural
72 33 county services.

72 34 4. a. For purposes of calculating maximum property tax
72 35 dollars for general county services for the fiscal year



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73 1 beginning July 1, 2013, only, the term "current fiscal year's
73 2 maximum property tax dollars" shall mean the total amount of
73 3 property tax dollars certified by the county for general county
73 4 services for the fiscal year beginning July 1, 2012, excluding
73 5 those property tax dollars that resulted from a supplemental
73 6 levy under section 331.424, subsection 1.
73 7 b. For purposes of calculating maximum property tax dollars
73 8 for rural county services for the fiscal year beginning July
73 9 1, 2013, only, the term "current fiscal year's maximum property
73 10 tax dollars" shall mean the total amount of property tax dollars
73 11 certified by the county for rural county services for the
73 12 fiscal year beginning July 1, 2012, excluding those property
73 13 tax dollars that resulted from a supplemental levy under
73 14 section 331.424, subsection 2.
73 15 5. Property taxes certified under section 331.424, property
73 16 taxes certified for deposit in the mental health, mental
73 17 retardation, and developmental disabilities services fund in
73 18 section 331.424A, for the emergency services fund in section
73 19 331.424C, for the debt service fund in section 331.430, for any
73 20 capital projects fund established by the county for deposit of
73 21 bond, loan, or note proceeds, and for any temporary increase
73 22 approved pursuant to section 331.423C, are not included in the
73 23 maximum amount of property tax dollars that may be certified
73 24 for a budget year under subsection 3.
73 25 6. The department of management, in consultation with the
73 26 county finance committee, shall adopt rules to administer this
73 27 section. The department shall prescribe forms to be used by
73 28 counties when making calculations required by this section.
73 29 Sec. 151. NEW SECTION. 331.423B Ending fund balance.
73 30 1. a. Budgeted ending fund balances for a budget year
73 31 in excess of twenty=five percent of budgeted expenditures in
73 32 either the general fund or rural services fund for that budget
73 33 year shall be explicitly committed or assigned for a specific
73 34 purpose.
73 35 b. A county is encouraged, but not required, to reduce



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74 1 budgeted, uncommitted, or unassigned ending fund balances for
74 2 the budget year to an amount equal to approximately twenty=five
74 3 percent of budgeted expenditures and transfers from the general
74 4 fund and rural services fund for that budget year unless a
74 5 decision is certified by the state appeal board ordering a
74 6 reduction in the ending fund balance of any of those funds.

74 7 c. In a protest to the county budget under section 331.436,
74 8 the county shall have the burden of proving that the budgeted
74 9 balances in excess of twenty=five percent are reasonably likely
74 10 to be appropriated for the explicitly committed or assigned
74 11 specific purpose. The excess budgeted balance for the specific
74 12 purpose shall be considered an increase in an item in the
74 13 budget for purposes of section 24.28.

74 14 2. a. For a county that has, as of June 30, 2012, reduced
74 15 its actual ending fund balance to less than twenty=five
74 16 percent of actual expenditures, additional property taxes may
74 17 be computed and levied as provided in this subsection. The
74 18 additional property tax levy amount is an amount not to exceed
74 19 twenty=five percent of actual expenditures from the general
74 20 fund and rural services fund for the fiscal year beginning July
74 21 1, 2011, minus the combined ending fund balances for those
74 22 funds for that year.

74 23 b. The amount of the additional property taxes shall be
74 24 apportioned between the general fund and the rural services
74 25 fund. However, the amount apportioned for general county
74 26 services and for rural county services shall not exceed for
74 27 each fund twenty=five percent of actual expenditures for the
74 28 fiscal year beginning July 1, 2011.

74 29 c. All or a portion of additional property tax dollars
74 30 may be levied for the purpose of increasing cash reserves
74 31 for general county services and rural county services in the
74 32 budget year. The additional property tax dollars authorized
74 33 under this subsection but not levied may be carried forward as
74 34 unused ending fund balance taxing authority until and for the
74 35 fiscal year beginning July 1, 2018. The amount carried forward



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75 1 shall not exceed twenty=five percent of the maximum amount of
75 2 property tax dollars available in the current fiscal year.
75 3 Additionally, property taxes that are levied as unused ending
75 4 fund balance taxing authority under this subsection may be the
75 5 subject of a protest under section 331.436, and the amount
75 6 will be considered an increase in an item in the budget for
75 7 purposes of section 24.28. The amount of additional property
75 8 taxes levied under this subsection shall not be included in the
75 9 computation of the maximum amount of property tax dollars which
75 10 may be certified and levied under section 331.423.

75 11 Sec. 152. NEW SECTION. 331.423C Authority to levy beyond
75 12 maximum property tax dollars.

75 13 1. The board may certify additions to the maximum amount
75 14 of property tax dollars to be levied for a budget year if the
75 15 county conducts a second public hearing prior to certification
75 16 of the budget to the county auditor, in addition to the hearing
75 17 held as required under section 331.434. The second public
75 18 hearing shall be conducted in the same manner as the public
75 19 hearing on the budget required in section 331.434.

75 20 2. The amount of additional property tax dollars certified
75 21 under this section shall not be included in the computation
75 22 of the maximum amount of property tax dollars which may be
75 23 certified and levied under section 331.423 for future budget
75 24 years.

75 25 Sec. 153. Section 331.424, unnumbered paragraph 1, Code
75 26 2011, is amended to read as follows:

75 27 To the extent that the basic levies authorized under section
75 28 331.423 are insufficient to meet the county's needs for the
75 29 following services, the board may certify supplemental levies
75 30 as follows:

75 31 Sec. 154. Section 331.424A, subsection 4, Code 2011, is
75 32 amended to read as follows:

75 33 4. For the fiscal year beginning July 1, 1996, and for each
75 34 subsequent fiscal year, the county shall certify a levy for
75 35 payment of services. For each fiscal year, county revenues



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76 1 from taxes imposed by the county credited to the services fund
76 2 shall not exceed an amount equal to the amount of base year
76 3 expenditures for services as defined in section 331.438, less
76 4 the amount of property tax relief to be received pursuant to
76 5 section 426B.2, in the fiscal year for which the budget is
76 6 certified. The county auditor and the board of supervisors
76 7 shall reduce the amount of the levy certified for the services
76 8 fund by the amount of property tax relief to be received. A
76 9 levy certified under this section is not subject to ~~the appeal~~
~~76 10 provisions of section 331.426 or to~~ any other provision in law
76 11 authorizing a county to exceed, increase, or appeal a property
76 12 tax levy limit.
76 13 Sec. 155. Section 331.434, subsection 1, Code 2011, is
76 14 amended to read as follows:
76 15 1. The budget shall show the amount required for each class
76 16 of proposed expenditures, a comparison of the amounts proposed
76 17 to be expended with the amounts expended for like purposes for
76 18 the two preceding years, the revenues from sources other than
76 19 property taxation, and the amount to be raised by property
76 20 taxation, in the detail and form prescribed by the director
76 21 of the department of management. For each county that has
76 22 established an urban renewal area, the budget shall include
76 23 estimated and actual tax increment financing revenues and all
76 24 estimated and actual expenditures of the revenues, proceeds
76 25 from debt and all estimated and actual expenditures of the
76 26 debt proceeds, and identification of any entity receiving a
76 27 direct payment of taxes funded by tax increment financing
76 28 revenues and shall include the total amount of loans, advances,
76 29 indebtedness, or bonds outstanding at the close of the most
76 30 recently ended fiscal year, which qualify for payment from the
76 31 special fund created in section 403.19, including interest
76 32 negotiated on such loans, advances, indebtedness, or bonds.
76 33 For purposes of this subsection, "indebtedness" includes
76 34 written agreements whereby the county agrees to suspend, abate,
76 35 exempt, rebate, refund, or reimburse property taxes, provide



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77 1 a grant for property taxes paid, or make a direct payment
77 2 of taxes, with moneys in the special fund. The amount of
77 3 loans, advances, indebtedness, or bonds shall be listed in
77 4 the aggregate for each county reporting. ~~The county finance~~
~~77 5 committee, in consultation with the department of management~~
~~77 6 and the legislative services agency, shall determine reporting~~
~~77 7 criteria and shall prepare a form for reports filed with the~~
~~77 8 department pursuant to this section. The department shall make~~
~~77 9 the information available by electronic means.~~
77 10 Sec. 156. Section 373.10, Code 2011, is amended to read as
77 11 follows:
77 12 373.10 Taxing authority.
77 13 The metropolitan council shall have the authority to
77 14 levy city taxes to the extent the city tax levy authority
77 15 is transferred by the charter to the metropolitan council.
77 16 A member city shall transfer a portion of the city's tax
77 17 levy authorized under section 384.1 or 384.12, whichever is
77 18 applicable, to the metropolitan council. The maximum ~~rates~~
~~77 19 amount of taxes authorized to be levied under sections~~ section
77 20 384.1 and the taxes authorized to be levied under
77 21 section 384.12 by a member city shall be reduced by an amount
77 22 equal to the rates of the same or similar taxes levied in the
77 23 city by the metropolitan council.
77 24 Sec. 157. Section 384.1, Code 2011, is amended by striking
77 25 the section and inserting in lieu thereof the following:
77 26 384.1 Property tax dollars ==== maximums.
77 27 1. A city shall certify taxes to be levied by the city
77 28 on all taxable property within the city limits, for all city
77 29 government purposes. Annually, the city council may certify
77 30 basic levies for city government purposes, subject to the
77 31 limitation on property tax dollars provided in this section.
77 32 2. For purposes of this section and section 384.1B, unless
77 33 the context otherwise requires:
77 34 a. "Annual growth factor" means an index, expressed as
77 35 a percentage, determined by the department of management by



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78 1 November 1 of the calendar year preceding the calendar year in
78 2 which the budget year begins. In determining the annual growth
78 3 factor, the department shall calculate the average of the
78 4 preceding three-year percentage change, which shall be computed
78 5 on an annual basis, in the midwest consumer price index, ending
78 6 with the percentage change for the month of September. The
78 7 department shall then add that average percentage change to one
78 8 hundred percent.

78 9 b. "Boundary adjustment" means annexation, severance,
78 10 incorporation, or discontinuance as those terms are defined in
78 11 section 368.1.

78 12 c. "Budget year" is the fiscal year beginning during the
78 13 calendar year in which a budget is certified.

78 14 d. "Current fiscal year" is the fiscal year ending during
78 15 the calendar year in which a budget is certified.

78 16 e. "Net new valuation taxes" means the amount of property
78 17 tax dollars equal to the current fiscal year's levy rate in the
78 18 city for the general fund multiplied by the increase from the
78 19 current fiscal year to the budget year in taxable valuation due
78 20 to the following:

78 21 (1) Net new construction, including all incremental
78 22 valuation that is released in any one year from a division of
78 23 revenue under section 260E.4 or an urban renewal area for which
78 24 taxes were being divided under section 403.19, regardless of
78 25 whether the property for the valuation being released remains
78 26 subject to the division of revenue under section 260E.4 or
78 27 remains part of the urban renewal area that is subject to
78 28 a division of revenue under section 403.19. The amount of
78 29 property tax dollars attributable to such incremental valuation
78 30 being released from a division of revenue shall be subtracted
78 31 from the maximum amount of property tax dollars which may
78 32 be certified for the next following fiscal year if such
78 33 incremental valuation is not released for the next following
78 34 fiscal year.

78 35 (2) Additions or improvements to existing structures.



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79 1 (3) Remodeling of existing structures for which a building
79 2 permit is required.
79 3 (4) Net boundary adjustment.
79 4 (5) A municipality no longer dividing tax revenues in an
79 5 urban renewal area as provided in section 403.19 or a community
79 6 college no longer dividing revenues as provided in section
79 7 260E.4.
79 8 (6) That portion of taxable property located in an urban
79 9 revitalization area on which an exemption was allowed and such
79 10 exemption has expired.
79 11 f. "Unfunded federal and state mandate cost growth" means an
79 12 amount of increased expenditures for a city from the previous
79 13 fiscal year resulting from any of the following:
79 14 (1) A federal statutory requirement or appropriation
79 15 that requires the city to establish, expand, or modify its
79 16 activities in a manner which necessitates additional annual
79 17 expenditures and for which insufficient funding is provided to
79 18 the city to satisfy such requirements.
79 19 (2) A state mandate as defined in section 25B.3, and for
79 20 which insufficient funding is provided to the city to satisfy
79 21 the requirements of the state mandate.
79 22 3. a. For the fiscal year beginning July 1, 2013, and
79 23 subsequent fiscal years, the maximum amount of property
79 24 tax dollars which may be certified for levy by a city for
79 25 the general fund shall be the maximum property tax dollars
79 26 calculated under paragraph "b".
79 27 b. The maximum property tax dollars that may be levied for
79 28 deposit in the general fund is an amount equal to the sum of the
79 29 following:
79 30 (1) The annual growth factor times the current fiscal year's
79 31 maximum property tax dollars for the general fund.
79 32 (2) The amount of net new valuation taxes in the city.
79 33 (3) The unfunded federal and state mandate cost growth.
79 34 4. For purposes of calculating maximum property tax dollars
79 35 for the city general fund for the fiscal year beginning July



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80 1 1, 2013, only, the term "current fiscal year's maximum property
80 2 tax dollars" shall mean the total amount of property tax dollars
80 3 certified by the city for the city's general fund for the
80 4 fiscal year beginning July 1, 2012.

80 5 5. Property taxes certified for deposit in the debt service
80 6 fund in section 384.4, trust and agency funds in section
80 7 384.6, capital improvements reserve fund in section 384.7,
80 8 the emergency fund in section 384.8, any capital projects
80 9 fund established by the city for deposit of bond, loan, or
80 10 note proceeds, any temporary increase approved pursuant to
80 11 section 384.12A, property taxes collected from a voted levy in
80 12 section 384.12, and property taxes levied under section 384.12,
80 13 subsection 18, are not counted against the maximum amount of
80 14 property tax dollars that may be certified for a fiscal year
80 15 under subsection 3.

80 16 6. Notwithstanding the maximum amount of taxes a city
80 17 may certify for levy, the tax levied by a city on tracts of
80 18 land and improvements on the tracts of land used and assessed
80 19 for agricultural or horticultural purposes shall not exceed
80 20 three dollars and three=eighths cents per thousand dollars
80 21 of assessed value in any year. Improvements located on such
80 22 tracts of land and not used for agricultural or horticultural
80 23 purposes and all residential dwellings are subject to the same
80 24 rate of tax levied by the city on all other taxable property
80 25 within the city.

80 26 7. The department of management, in consultation with the
80 27 city finance committee, shall adopt rules to administer this
80 28 section. The department shall prescribe forms to be used by
80 29 cities when making calculations required by this section.

80 30 Sec. 158. NEW SECTION. 384.1B Ending fund balance.

80 31 1. a. Budgeted general fund ending fund balances for
80 32 a budget year in excess of twenty=five percent of budgeted
80 33 expenditures from the general fund for that budget year shall
80 34 be explicitly committed or assigned for a specific purpose.

80 35 b. A city is encouraged, but not required, to reduce



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81 1 budgeted, uncommitted, or unassigned ending fund balances for
81 2 the budget year to an amount equal to approximately twenty=five
81 3 percent of budgeted expenditures and transfers from the general
81 4 fund for that budget year unless a decision is certified by
81 5 the state appeal board ordering a reduction in the ending fund
81 6 balance of the fund.

81 7 c. In a protest to the city budget under section 384.19,
81 8 the city shall have the burden of proving that the budgeted
81 9 balances in excess of twenty=five percent are reasonably likely
81 10 to be appropriated for the explicitly committed or assigned
81 11 specific purpose. The excess budgeted balance for the specific
81 12 purpose shall be considered an increase in an item in the
81 13 budget for purposes of section 24.28.

81 14 2. a. For a city that has, as of June 30, 2012, reduced its
81 15 ending fund balance to less than twenty=five percent of actual
81 16 expenditures, additional property taxes may be computed and
81 17 levied as provided in this subsection. The additional property
81 18 tax levy amount is an amount not to exceed the difference
81 19 between twenty=five percent of actual expenditures for city
81 20 government purposes for the fiscal year beginning July 1, 2011,
81 21 minus the ending fund balance for that year.

81 22 b. All or a portion of additional property tax dollars
81 23 may be levied for the purpose of increasing cash reserves for
81 24 city government purposes in the budget year. The additional
81 25 property tax dollars authorized under this subsection but not
81 26 levied may be carried forward as unused ending fund balance
81 27 taxing authority until and for the fiscal year beginning
81 28 July 1, 2018. The amount carried forward shall not exceed
81 29 twenty=five percent of the maximum amount of property tax
81 30 dollars available in the current fiscal year. Additionally,
81 31 property taxes that are levied as unused ending fund balance
81 32 taxing authority under this subsection may be the subject of a
81 33 protest under section 384.19, and the amount will be considered
81 34 an increase in an item in the budget for purposes of section
81 35 24.28. The amount of additional property tax dollars levied



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82 1 under this subsection shall not be included in the computation
82 2 of the maximum amount of property tax dollars which may be
82 3 certified and levied under section 384.1.

82 4 Sec. 159. Section 384.12, subsection 20, Code 2011, is
82 5 amended by striking the subsection.

82 6 Sec. 160. NEW SECTION. 384.12A Authority to levy beyond
82 7 maximum property tax dollars.

82 8 1. The city council may certify additions to the maximum
82 9 amount of property tax dollars to be levied for a budget
82 10 year if the city conducts a second public hearing prior to
82 11 certification of the budget to the county auditor, in addition
82 12 to the hearing held as required under section 384.16. The
82 13 second public hearing shall be conducted in the same manner as
82 14 the public hearing on the budget required in section 384.16.

82 15 2. The amount of additional property tax dollars certified
82 16 under this section shall not be included in the computation
82 17 of the maximum amount of property tax dollars which may be
82 18 certified and levied under section 384.1 for future budget
82 19 years.

82 20 Sec. 161. Section 384.16, subsection 1, paragraph b, Code
82 21 2011, is amended to read as follows:

82 22 b. A budget must show comparisons between the estimated
82 23 expenditures in each program in the following year, the latest
82 24 estimated expenditures in each program in the current year,
82 25 and the actual expenditures in each program from the annual
82 26 report as provided in section 384.22, or as corrected by a
82 27 subsequent audit report. Wherever practicable, as provided in
82 28 rules of the committee, a budget must show comparisons between
82 29 the levels of service provided by each program as estimated for
82 30 the following year, and actual levels of service provided by
82 31 each program during the two preceding years. For each city
82 32 that has established an urban renewal area, the budget shall
82 33 include estimated and actual tax increment financing revenues
82 34 and all estimated and actual expenditures of the revenues,
82 35 proceeds from debt and all estimated and actual expenditures of



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83 1 the debt proceeds, and identification of any entity receiving
83 2 a direct payment of taxes funded by tax increment financing
83 3 revenues and shall include the total amount of loans, advances,
83 4 indebtedness, or bonds outstanding at the close of the most
83 5 recently ended fiscal year, which qualify for payment from the
83 6 special fund created in section 403.19, including interest
83 7 negotiated on such loans, advances, indebtedness, or bonds.
83 8 The amount of loans, advances, indebtedness, or bonds shall
83 9 be listed in the aggregate for each city reporting. ~~The city~~
~~83 10 finance committee, in consultation with the department of~~
~~83 11 management and the legislative services agency, shall determine~~
~~83 12 reporting criteria and shall prepare a form for reports filed~~
~~83 13 with the department pursuant to this section. The department~~
~~83 14 shall make the information available by electronic means.~~
83 15 Sec. 162. Section 384.19, Code 2011, is amended by adding
83 16 the following new unnumbered paragraph:
83 17 NEW UNNUMBERED PARAGRAPH For purposes of a tax protest
83 18 filed under this section, "item" means a budgeted expenditure,
83 19 appropriation, or cash reserve from a fund for a service area,
83 20 program, program element, or purpose.
83 21 Sec. 163. Section 386.8, Code 2011, is amended to read as
83 22 follows:
83 23 386.8 Operation tax.
83 24 A city may establish a self-supported improvement district
83 25 operation fund, and may certify taxes not to exceed the
83 26 rate limitation as established in the ordinance creating the
83 27 district, or any amendment thereto, each year to be levied
83 28 for the fund against all of the property in the district,
83 29 for the purpose of paying the administrative expenses of
83 30 the district, which may include but are not limited to
83 31 administrative personnel salaries, a separate administrative
83 32 office, planning costs including consultation fees, engineering
83 33 fees, architectural fees, and legal fees and all other expenses
83 34 reasonably associated with the administration of the district
83 35 and the fulfilling of the purposes of the district. The taxes



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84 1 levied for this fund may also be used for the purpose of paying
84 2 maintenance expenses of improvements or self=liquidating
84 3 improvements for a specified length of time with one or more
84 4 options to renew if such is clearly stated in the petition
84 5 which requests the council to authorize construction of the
84 6 improvement or self=liquidating improvement, whether or not
84 7 such petition is combined with the petition requesting creation
84 8 of a district. Parcels of property which are assessed as
84 9 residential property for property tax purposes are exempt from
84 10 the tax levied under this section except residential properties
84 11 within a duly designated historic district. A tax levied under
84 12 this section is not subject to the ~~levy~~ limitation in section
84 13 384.1.

84 14 Sec. 164. Section 386.9, Code 2011, is amended to read as
84 15 follows:

84 16 386.9 Capital improvement tax.

84 17 A city may establish a capital improvement fund for a
84 18 district and may certify taxes, not to exceed the rate
84 19 established by the ordinance creating the district, or any
84 20 subsequent amendment thereto, each year to be levied for
84 21 the fund against all of the property in the district, for
84 22 the purpose of accumulating moneys for the financing or
84 23 payment of a part or all of the costs of any improvement or
84 24 self=liquidating improvement. However, parcels of property
84 25 which are assessed as residential property for property tax
84 26 purposes are exempt from the tax levied under this section
84 27 except residential properties within a duly designated historic
84 28 district. A tax levied under this section is not subject to
84 29 the ~~levy~~ limitations in section 384.1 or 384.7.

84 30 Sec. 165. REPEAL. Sections 331.425 and 331.426, Code 2011,
84 31 are repealed.

84 32 Sec. 166. EFFECTIVE DATE AND APPLICABILITY. This division
84 33 of this Act takes effect July 1, 2012, and applies to fiscal
84 34 years beginning on or after July 1, 2013.

84 35 DIVISION XVII



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85 1 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION
85 2 Sec. 167. Section 441.21, subsection 4, Code 2011, is
85 3 amended to read as follows:
85 4 4. For valuations established as of January 1, 1979,
85 5 the percentage of actual value at which agricultural and
85 6 residential property shall be assessed shall be the quotient
85 7 of the dividend and divisor as defined in this section. The
85 8 dividend for each class of property shall be the dividend
85 9 as determined for each class of property for valuations
85 10 established as of January 1, 1978, adjusted by the product
85 11 obtained by multiplying the percentage determined for that
85 12 year by the amount of any additions or deletions to actual
85 13 value, excluding those resulting from the revaluation of
85 14 existing properties, as reported by the assessors on the
85 15 abstracts of assessment for 1978, plus six percent of the
85 16 amount so determined. However, if the difference between the
85 17 dividend so determined for either class of property and the
85 18 dividend for that class of property for valuations established
85 19 as of January 1, 1978, adjusted by the product obtained by
85 20 multiplying the percentage determined for that year by the
85 21 amount of any additions or deletions to actual value, excluding
85 22 those resulting from the revaluation of existing properties,
85 23 as reported by the assessors on the abstracts of assessment
85 24 for 1978, is less than six percent, the 1979 dividend for the
85 25 other class of property shall be the dividend as determined for
85 26 that class of property for valuations established as of January
85 27 1, 1978, adjusted by the product obtained by multiplying
85 28 the percentage determined for that year by the amount of
85 29 any additions or deletions to actual value, excluding those
85 30 resulting from the revaluation of existing properties, as
85 31 reported by the assessors on the abstracts of assessment for
85 32 1978, plus a percentage of the amount so determined which is
85 33 equal to the percentage by which the dividend as determined
85 34 for the other class of property for valuations established
85 35 as of January 1, 1978, adjusted by the product obtained by



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86 1 multiplying the percentage determined for that year by the
86 2 amount of any additions or deletions to actual value, excluding
86 3 those resulting from the revaluation of existing properties,
86 4 as reported by the assessors on the abstracts of assessment
86 5 for 1978, is increased in arriving at the 1979 dividend for
86 6 the other class of property. The divisor for each class of
86 7 property shall be the total actual value of all such property
86 8 in the state in the preceding year, as reported by the
86 9 assessors on the abstracts of assessment submitted for 1978,
86 10 plus the amount of value added to said total actual value by
86 11 the revaluation of existing properties in 1979 as equalized
86 12 by the director of revenue pursuant to section 441.49. The
86 13 director shall utilize information reported on abstracts of
86 14 assessment submitted pursuant to section 441.45 in determining
86 15 such percentage. For valuations established as of January 1,
86 16 1980, and each year thereafter, the percentage of actual value
86 17 as equalized by the director of revenue as provided in section
86 18 441.49 at which agricultural and residential property shall be
86 19 assessed shall be calculated in accordance with the methods
86 20 provided herein including the limitation of increases in
86 21 agricultural and residential assessed values to the percentage
86 22 increase of the other class of property if the other class
86 23 increases less than the allowable limit adjusted to include
86 24 the applicable and current values as equalized by the director
86 25 of revenue, except that any references to six percent in this
86 26 subsection shall be four percent. For valuations established
86 27 as of January 1, 2012, and each assessment year thereafter,
86 28 the percentage of actual value as equalized by the director
86 29 of revenue as provided in section 441.49 at which residential
86 30 property shall be assessed shall be calculated in accordance
86 31 with the methods provided herein including the limitation of
86 32 increases in agricultural and residential assessed values to
86 33 the percentage increase of the other class of property if the
86 34 other class increases less than the allowable limit adjusted to
86 35 include the applicable and current values as equalized by the



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87 1 director of revenue, except that in no assessment year shall
87 2 the percentage of actual value at which residential property is
87 3 assessed be less than fifty percent.

87 4 DIVISION XVIII

87 5 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

87 6 Sec. 168. EFFECTIVE DATE AND RETROACTIVE

87 7 APPLICABILITY. Unless otherwise provided, this Act, if

87 8 approved by the governor on or after July 1, 2011, takes effect

87 9 upon enactment and applies retroactively to July 1, 2011.

87 10 EXPLANATION

87 11 This bill relates to state and local finances by providing
87 12 for funding of property tax credits and reimbursements, by
87 13 making, increasing, and reducing appropriations, providing
87 14 for salaries and compensation of state employees, providing
87 15 for matters relating to tax credits, providing for fees and
87 16 penalties, and providing for properly related matters. The
87 17 bill is organized by divisions.

87 18 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2011=2012.

87 19 This division relates to standing appropriations and other

87 20 appropriations=related matters. For the budget process

87 21 applicable to FY 2012=2013, state agencies are required to

87 22 submit estimates and other expenditure information as called

87 23 for by the director of the department of management instead of

87 24 the information required under Code section 8.23.

87 25 This division limits standing appropriations for FY

87 26 2011=2012 made for the following purposes: casino wagering

87 27 tax proceeds allocated for department of cultural affairs

87 28 operational support grants and community cultural grants and

87 29 for regional tourism marketing; the center for congenital

87 30 and inherited disorders; primary and secondary child abuse

87 31 prevention programs; programs for at-risk children; payment

87 32 for nonpublic school transportation; reimbursement for the

87 33 homestead property tax credit and for the family farm and

87 34 agricultural land tax credits; and the enforcement of Code

87 35 chapter 452D relating to tobacco product manufacturers.



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88 1 The standing appropriation in Code section 257.20 of an
88 2 amount necessary to pay instructional support state aid, as
88 3 determined under that Code provision, is replaced with a zero
88 4 appropriation for FY 2011=2012.
88 5 Code section 256.30, relating to educational expenses for
88 6 American Indian children, is amended. Current law requires the
88 7 department of education to provide moneys to pay the expense
88 8 of educating American Indian children residing in the Sac and
88 9 Fox Indian settlement on land held in trust by the secretary of
88 10 the interior of the United States in excess of federal moneys
88 11 paid to the tribal council for educating the American Indian
88 12 children when moneys are appropriated for that purpose. The
88 13 division makes a standing appropriation of \$100,000 from the
88 14 general fund of the state to pay the expenses.
88 15 Code section 257.35 is amended to reduce area education
88 16 agencies' budgets for fiscal year 2011=2012 by \$20 million.
88 17 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2011=2012.
88 18 This division relates to the funding for the fiscal year
88 19 beginning July 1, 2011, of salary increases for appointed
88 20 nonelected officers, employees subject to collective bargaining
88 21 agreements, certain noncontract employees, and board of regents
88 22 employees.
88 23 The division prohibits bonus pay for employees of the
88 24 executive branch except for employees of the state board of
88 25 regents, the judicial branch, and the legislative branch,
88 26 unless the bonus pay is otherwise authorized by law, required
88 27 pursuant to an employment contract entered into before July
88 28 1, 2011, or required pursuant to a collective bargaining
88 29 agreement.
88 30 The salary model administrator is required to work in
88 31 conjunction with the department of management and the
88 32 legislative services agency to analyze, compare, and project
88 33 state salary and benefit information.
88 34 PERFORMANCE OF DUTY. This division provides that the
88 35 source of funding for the payment of expenses authorized by



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89 1 the executive council is the Iowa economic emergency fund and
89 2 then the general fund of the state if the emergency fund is
89 3 insufficient. Current law provides that the source of funding
89 4 is the general fund or the state treasury. Various Code
89 5 provisions involving authorization of payment by the executive
89 6 council are amended as necessary to conform to the change in
89 7 the source of funding.
89 8 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2012=2013.
89 9 This division relates to the budget process for FY 2013=2014
89 10 and limits certain standing appropriations for FY 2012=2013.
89 11 The standing appropriation in Code section 257.20 of an
89 12 amount necessary to pay instructional support state aid, as
89 13 determined under that Code provision, is replaced with a zero
89 14 appropriation for FY 2012=2013.
89 15 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2012=2013.
89 16 This division relates to funding for FY 2012=2013 of salary
89 17 increases for employees subject to collective bargaining
89 18 agreements and board of regents employees. The division also
89 19 prohibits certain types of bonus pay and makes requirements for
89 20 the salary model administrator.
89 21 CORRECTIVE PROVISIONS. The division makes corrections to
89 22 legislation considered or enacted during the 2011 legislative
89 23 session.
89 24 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. This division
89 25 includes miscellaneous provisions and appropriations.
89 26 The division appropriates moneys to the department of public
89 27 health for FY 2011=2012 for a vision screening program.
89 28 The division appropriates moneys to the department of
89 29 agriculture and land stewardship for FY 2011=2012 for purposes
89 30 of a program for farmers with disabilities.
89 31 The division appropriates moneys to the department
89 32 of cultural affairs for FY 2010=2011 for purposes of the
89 33 battleship Iowa, BB=61. This provision takes effect upon
89 34 enactment.
89 35 An appropriation for FY 2010=2011 is provided to the Iowa



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90 1 finance authority for a grant to a nonprofit organization
90 2 to be used for development of a group home for persons with
90 3 intellectual disabilities or brain injury. This provision
90 4 takes effect upon enactment.
90 5 The division authorizes not more than two additional
90 6 full-time equivalent positions (FTEs) for the investigations
90 7 division of the department of inspections and appeals for
90 8 FY 2011=2012 if Senate File 313 or successor legislation is
90 9 enacted providing for debt setoff or other recovery activities
90 10 for nonpayment of premiums pursuant to Code section 249A.3,
90 11 subsection 2, paragraph "a", subparagraph (1), (relating to a
90 12 special income eligibility group under the Medicaid program)
90 13 or pursuant to Code section 249J.8, subsection 1, (relating to
90 14 the expansion population eligibility group under the IowaCare
90 15 program). The additional FTEs are limited to the extent funded
90 16 through the department of human services.
90 17 The division provides a method for recalculating cost
90 18 per pupil amounts for an area education agency and a school
90 19 district when a school district participating on a contractual
90 20 basis in a special education instructional program operated
90 21 by an area education agency terminates the contract. This
90 22 provision takes effect upon enactment.
90 23 The division establishes a task force on the prevention of
90 24 sexual abuse of children in Iowa. The task force shall develop
90 25 a model policy addressing sexual abuse of children. The task
90 26 force shall make recommendations for reducing child sexual
90 27 abuse in Iowa and in making those recommendations shall gather
90 28 information concerning child sexual abuse throughout the state;
90 29 receive reports and testimony from individuals, state and local
90 30 agencies, community-based organizations, and other public and
90 31 private organizations; create goals for state policy that would
90 32 prevent child sexual abuse; and submit a final report with its
90 33 recommendations to the governor and the general assembly on
90 34 or before January 16, 2012. This provision takes effect upon
90 35 enactment.



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91 1 The division provides that a railroad company which alters
91 2 facilities pursuant to a written agreement with a political
91 3 subdivision with a population or more than 67,800, but less
91 4 than 67,900, according to the 2010 certified federal census,
91 5 to construct a flood mitigation project, shall receive
91 6 certain limitations on liability for any damages caused by the
91 7 alteration due to a flood.

91 8 The division makes inapplicable the limitation on
91 9 expenditures made for office supplies, purchases of equipment,
91 10 office equipment, and equipment noninventory, printing and
91 11 binding, and marketing implemented pursuant to 2011 Iowa
91 12 Acts, House File 45, for FY 2010=2011 to a department or
91 13 agency receiving a supplemental appropriation for FY 2010=2011
91 14 pursuant to 2011 Iowa Acts, Senate File 209. This provision
91 15 takes effect upon enactment and is retroactively applicable to
91 16 the effective date of House File 45 of March 7, 2011.

91 17 The division provides that any computer software developed
91 18 by a county for purposes of election activities is the property
91 19 of the county unless the county sells the rights to the
91 20 software.

91 21 The division provides that certain sections of 2011 Iowa
91 22 Acts, Senate File 205, take effect upon enactment of this bill,
91 23 rather than on July 1, 2011. The affected provisions require
91 24 the department of transportation to waive the certificate
91 25 of title fee and surcharge when ownership of a vehicle is
91 26 transferred from a decedent to the surviving spouse who is
91 27 entitled to ownership of the vehicle under the laws of descent
91 28 or the terms of the decedent's will. The affected provisions
91 29 also provide that, for purposes of calculating the annual
91 30 registration fee of a such a motor vehicle, the term "owner"
91 31 includes a surviving spouse.

91 32 The division amends Code section 80B.6 to add two members to
91 33 the Iowa law enforcement academy council.

91 34 The division amends Code section 256C.5 to reduce the school
91 35 aid formula weighting for the statewide preschool program for



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92 1 four=year=old children from 60 percent to 50 percent of the
92 2 actual enrollment of eligible students. This provision takes
92 3 effect upon enactment, and applies to budget years beginning on
92 4 or after July 1, 2011.

92 5 The division amends Code section 279.51 to expand the manner
92 6 in which grant moneys received from the child development
92 7 coordinating council for programs for at=risk children may be
92 8 used.

92 9 The division amends Code section 303.19A to provide that
92 10 the state historic preservation officer shall only recommend
92 11 that a municipal utility constructing electric distribution
92 12 and transmission facilities for which it is receiving federal
92 13 funding conduct an archeological site survey of its proposed
92 14 route when, based upon a review of existing information on
92 15 historic properties within the area of potential effects of
92 16 the construction, the state historic preservation officer
92 17 has determined that a historic property is likely to exist
92 18 within the proposed route. This provision takes effect upon
92 19 enactment.

92 20 The amendment to Code section 321J.2, subsection 4,
92 21 paragraph b, makes a correction to a criminal penalty provision
92 22 relating to the court's assessment of a mandatory minimum fine
92 23 in a second offense operating=while=intoxicated case to reflect
92 24 previous law in effect through November 30, 2010. Senate File
92 25 431 (2010 Iowa Acts) reorganized criminal penalty, sentencing,
92 26 and related license revocation provisions in Code section
92 27 321J.2.

92 28 The division amends Code section 435A.35 to provide that
92 29 the first \$106,016,400 of revenues generated from the tax on
92 30 cigarettes and from the tax on certain tobacco products are
92 31 credited to the health care trust fund. Currently, the moneys
92 32 are credited to the general fund of the state and appropriated
92 33 annually to the health care trust fund.

92 34 The division amends Code section 466B.31 to add three
92 35 members to the watershed planning advisory council.



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93 1 The division amends Code section 537A.5, as amended by
93 2 2011 Iowa Acts, Senate File 396, section 1, by eliminating
93 3 from the definition of the term "construction contract", as
93 4 it relates to certain indemnity agreements for construction
93 5 contracts, agreements related to the construction,
93 6 alteration, improvement, development, demolition, excavation,
93 7 rehabilitation, maintenance, or repair of highways, roads,
93 8 streets, bridges, tunnels, transportation facilities, and
93 9 airports.

93 10 The division extends the repeal date in Code section
93 11 654.4B from July 1, 2011, to July 1, 2012, for certain notice
93 12 requirements related to acceleration of mortgage indebtedness.
93 13 This provision takes effect upon enactment.

93 14 APPROPRIATION TRANSFERS. This division revises and
93 15 reduces appropriation transfers in lieu of transfers made
93 16 by the executive branch, as reported by the department of
93 17 management on August 27, 2010. A portion of the appropriation
93 18 in 2010 Iowa Acts, chapter 1184, from the rebuild Iowa
93 19 infrastructure fund to the grow Iowa values fund is transferred
93 20 to the department of economic development's Iowans helping
93 21 Iowans business assistance program. Two amounts from the
93 22 appropriation made in 2010 Iowa Acts, chapter 1193, to the
93 23 department of human services for the medical assistance program
93 24 are transferred to the department's unmet needs program and to
93 25 the Iowa finance authority to be used for the Iowans helping
93 26 Iowans housing assistance program. The division takes effect
93 27 upon enactment and is retroactively applicable to August 27,
93 28 2010.

93 29 REORGANIZATION. This division addresses state government
93 30 reorganization.

93 31 New Code section 8.75 requires each department to separately
93 32 track the budget and actual expenditures for contract services
93 33 and for employee training for each appropriation line item.

93 34 New Code section 8A.319 requires the department of
93 35 administrative services to facilitate efficient and



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94 1 cost=effective purchasing for state government by conducting
94 2 certain activities.
94 3 The division requires the department of administrative
94 4 services to consult with the legislative and judicial branches
94 5 and explore opportunities for providing information technology
94 6 services to those branches.
94 7 The division encourages state agencies to utilize electronic
94 8 mail or similar electronic means for license or permit
94 9 notification purposes.
94 10 The division requires state agencies to budget for and
94 11 plan to conduct lean projects. The division encourages state
94 12 agencies to share resources and services.
94 13 The division requires each joint appropriations subcommittee
94 14 of the general assembly to annually examine and review the fees
94 15 charged by state agencies.
94 16 The division requires the department of administrative
94 17 services, in consultation with the department of management,
94 18 to examine the state personnel hiring process with the goal of
94 19 simplifying and reducing the steps needed for state agencies
94 20 to hire personnel.
94 21 The division includes requirements for compliance checks of
94 22 licensed retail tobacco outlets.
94 23 The division requires the department of administrative
94 24 services to examine the possibility of merging all state
94 25 payroll systems into the centralized payroll system.
94 26 The division requires the department of administrative
94 27 services to implement to the greatest extent possible a payroll
94 28 system paying state employees on a semimonthly basis.
94 29 MEDICATION THERAPY MANAGEMENT. This division amends the
94 30 pilot program for medication therapy management implemented
94 31 on July 1, 2010, for eligible state employees, extending
94 32 the contract under the program for an additional year. The
94 33 division transfers funds to the department of administrative
94 34 services for the purpose of the program. The division takes
94 35 effect upon enactment.



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95 1 EARNED INCOME TAX CREDIT. This division increases the
95 2 amount of the state earned income tax credit. Currently, the
95 3 credit is equal to 7 percent of the amount of a taxpayer's
95 4 federal earned income tax credit. The division increases the
95 5 amount of the credit to 10 percent.
95 6 The division applies retroactively to January 1, 2011, for
95 7 tax years beginning on or after that date.
95 8 ALLOWABLE GROWTH. This division establishes a state percent
95 9 growth of 3 percent for purposes of the state school foundation
95 10 program for the school budget year beginning July 1, 2012. The
95 11 division establishes a categorical state percent of growth
95 12 of 3 percent for purposes of the state school foundation
95 13 program for the school budget year beginning July 1, 2012. The
95 14 categorical state percent of growth includes the teacher salary
95 15 supplement, the professional development supplement, and the
95 16 early intervention supplement. The division is applicable for
95 17 computing state aid under the state school foundation program
95 18 for the school budget year beginning July 1, 2012.
95 19 WITHHOLDING AGREEMENTS. This division amends the terms
95 20 "employer" and "targeted job" related to withholding agreements
95 21 between a pilot project city and an employer concerning a
95 22 targeted jobs withholding credit authorized under Code section
95 23 403.19A. Currently the terms only relate to new or created
95 24 jobs. The division adds retained jobs to both terms.
95 25 SCHOOL EMPLOYEE MISCONDUCT. This division makes changes
95 26 relating to misconduct by a school employee and provides for
95 27 the related duties and responsibilities of certain other
95 28 persons, accredited public and private schools, area education
95 29 agencies, and the board of educational examiners.
95 30 The division directs the board of educational examiners
95 31 to provide annually to any person who holds a license,
95 32 certificate, authorization, or statement of recognition
95 33 issued by the board, training relating to the knowledge and
95 34 understanding of the board's code of professional conduct and
95 35 ethics. The board shall develop a curriculum that addresses



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96 1 the code of professional conduct and ethics and shall annually
96 2 provide regional training opportunities throughout the state.

96 3 The division authorizes the board to deny a license or
96 4 revoke the license of an administrator if the board finds by
96 5 a preponderance of evidence that the administrator failed to
96 6 report the termination or resignation of a school employee
96 7 holding a license, certificate, statement of professional
96 8 recognition, or coaching authorization, for reasons of alleged
96 9 misconduct or actual misconduct.

96 10 The division also requires a school board and the
96 11 authorities in charge of an accredited nonpublic school to
96 12 place on administrative leave a school employee who is the
96 13 subject of an investigation of an alleged incident of abuse of
96 14 a student. If the results of the investigation of a school
96 15 employee who holds a license, certificate, authorization, or
96 16 statement of recognition issued by the board of educational
96 17 examiners find that the school employee's conduct constitutes a
96 18 crime under any other statute, the school board shall report
96 19 the results of the investigation to the board of educational
96 20 examiners.

96 21 The division provides civil and criminal immunity to an
96 22 employee of a school district, an accredited nonpublic school,
96 23 or an area education agency who participates in good faith and
96 24 acts reasonably in the making of a report to, or investigation
96 25 by, an appropriate person or agency regarding physical or
96 26 sexual abuse of a student.

96 27 BUSINESS PROPERTY TAX CREDITS. This division of the bill
96 28 creates a business property tax credit under new Code chapter
96 29 426C for property taxes due and payable in fiscal years
96 30 beginning on or after July 1, 2012.

96 31 The division establishes a business property tax credit
96 32 fund. For the fiscal year beginning July 1, 2012, the
96 33 division appropriates from the general fund of the state to the
96 34 department of revenue for deposit in the fund, \$50 million.
96 35 For the fiscal year beginning July 1, 2013, and each fiscal



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97 1 year thereafter, the division appropriates from the general
97 2 fund of the state to the department of revenue for deposit
97 3 in the fund an amount equal to the total amount appropriated
97 4 by the general assembly to the fund in the previous fiscal
97 5 year. In addition, for fiscal years beginning on or after
97 6 July 1, 2013, the division appropriates an additional sum of
97 7 \$50 million to the fund if the revenue estimating conference
97 8 certifies that the total amount of general fund revenues
97 9 has grown by at least 4 percent as compared to the previous
97 10 fiscal year. The division provides, however, that the total
97 11 appropriation to the fund shall not exceed \$200 million in any
97 12 one fiscal year. Under the division, interest or earnings on
97 13 moneys deposited in the fund are credited to the fund, moneys
97 14 in the fund are not subject to the provisions of Code section
97 15 8.33, and moneys in the fund shall not be transferred, used,
97 16 obligated, appropriated, or otherwise encumbered except as
97 17 provided in new Code chapter 426C.

97 18 The division provides that each person who wishes to claim
97 19 a business property tax credit shall obtain the appropriate
97 20 forms from the assessor and file the claim with the assessor.
97 21 The director of revenue is required to prescribe suitable
97 22 forms and instructions for such claims, and make such forms
97 23 and instructions available to the assessors. The assessor
97 24 is required to remit the claims for credit to the county
97 25 auditor with the assessor's recommendation for allowance
97 26 or disallowance. If the assessor recommends disallowance
97 27 of a claim, the assessor shall submit the reasons for the
97 28 recommendation, in writing, to the county auditor. The county
97 29 auditor then forwards the claims to the board of supervisors.
97 30 The board is required to allow or disallow the claims. If
97 31 the board of supervisors disallows a claim for a credit, the
97 32 board of supervisors is required to send written notice, by
97 33 mail, to the claimant and the notice must state the reasons for
97 34 disallowing the claim for the credit. Any person whose claim
97 35 for credit is denied may appeal from the action of the board of



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98 1 supervisors to the district court of the county in which the
98 2 parcel or property unit is located.
98 3 Claims for the business property tax credit must be filed
98 4 not later than March 15 preceding the fiscal year during which
98 5 the property taxes for which the credit is claimed are due
98 6 and payable. However, the deadline for filing claims against
98 7 property taxes due and payable in the fiscal year beginning
98 8 July 1, 2012, is January 15, 2012.
98 9 Upon the filing of a claim and allowance of a business
98 10 property tax credit, the credit is allowed on the parcel or
98 11 property unit for successive years without further filing as
98 12 long as the parcel or property unit satisfies the requirements
98 13 for the credit. The owner is required to provide written
98 14 notice to the assessor when the parcel or property unit ceases
98 15 to qualify for the credit. The division requires the assessor
98 16 to maintain a permanent file of current credits and also
98 17 specifies certain requirements for parcel or property unit
98 18 owners, assessors, and county recorders when all or a portion
98 19 of such parcels or property units are sold, transferred, or
98 20 ownership otherwise changes.
98 21 Under the division, each parcel classified and taxed
98 22 as commercial property, industrial property, or railway
98 23 property under Code chapter 434, and improved with permanent
98 24 construction, is eligible for a business property tax credit.
98 25 A person may claim and receive one credit for each eligible
98 26 parcel unless the parcel is part of a property unit. The
98 27 division defines "property unit" to mean contiguous parcels
98 28 located within the same county, with the same property tax
98 29 classification, each containing permanent improvements, owned
98 30 by the same person, and operated by that person for a common
98 31 use and purpose. A person may only claim and receive one
98 32 tax credit for each property unit. A credit approved for a
98 33 property unit is allocated to the several parcels within the
98 34 property unit in the proportion that each parcel's property
98 35 tax liability on improvements bears to the total property tax



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99 1 liability on improvements for the property unit. Only those
99 2 property units comprised of commercial property, comprised of
99 3 industrial property, or comprised of railway property under
99 4 Code chapter 434 are eligible for a credit.
99 5 The division provides that all claims for credit which
99 6 have been allowed, the actual value of the improvements to
99 7 the applicable parcels and property units that are subject to
99 8 assessment and taxation, the consolidated levy rates or average
99 9 consolidated levy rates for such parcels and property units
99 10 applicable to the fiscal year for which the credit is claimed,
99 11 and the taxing districts in which each parcel or property unit
99 12 is located, shall be certified on or before June 15, in each
99 13 year, by the county auditor to the department of revenue.
99 14 The division provides that using the actual value of
99 15 the improvements and the consolidated levy rate or average
99 16 consolidated levy rate for each parcel or property unit, as
99 17 certified by the county auditor, the department is required to
99 18 calculate, for each fiscal year, an initial amount of actual
99 19 value of improvements for use in determining the amount of
99 20 the credit for each approved parcel or property unit so as to
99 21 provide the maximum possible credit according to the credit
99 22 formula and limitations in the division, and to provide a
99 23 total dollar amount of credits in the fiscal year equal to 98
99 24 percent of the moneys in the business property tax credit fund
99 25 following the deposit of the total appropriation for the fiscal
99 26 year.
99 27 The credit for each parcel or property unit for which a
99 28 claim for a business property tax credit has been approved is
99 29 calculated using the lesser of the initial amount of actual
99 30 value of the improvements determined by the department for
99 31 the fiscal year and the actual value of improvements to the
99 32 parcel or property unit as certified to the department of
99 33 revenue. The amount of the credit for each parcel or property
99 34 unit is then calculated by multiplying the lesser amount of
99 35 actual value, so determined, by the difference, stated as



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100 1 a percentage, between the assessment limitation applicable
100 2 to the parcel or property unit under Code section 441.21(5)
100 3 (commercial, industrial, and railway property rollback) and the
100 4 assessment limitation applicable to residential property under
100 5 Code section 441.21(4) (residential property rollback), divided
100 6 by \$1,000, and then multiplied by the consolidated levy rate
100 7 or average consolidated levy rate per \$1,000 of taxable value
100 8 applicable to the parcel or property unit for the fiscal year
100 9 for which the credit is claimed.

100 10 The division specifies the procedures for the payment of
100 11 the amount of the business property tax credits to the county
100 12 treasurers and the resulting apportionment to the applicable
100 13 taxing districts. The division also specifies the requirements
100 14 and procedures for an appeal of a denial of a claim for
100 15 credit, specifies the requirements and procedures for an audit
100 16 of a business property tax credit allowed, and specifies
100 17 requirements relating to the collection of property taxes
100 18 due as the result of an incorrectly calculated or improperly
100 19 approved credit.

100 20 The division provides that a person who makes a false claim
100 21 for the purpose of obtaining a business property tax credit
100 22 or who knowingly receives the credit without being legally
100 23 entitled to it is guilty of a fraudulent practice and is
100 24 subject to a criminal penalty.

100 25 The division applies to property taxes due and payable in
100 26 fiscal years beginning on or after July 1, 2012.

100 27 COUNTY AND CITY BUDGET LIMITATION. This division removes
100 28 the property tax levy rate limitations on the general and rural
100 29 services funds for counties and on the general fund for cities
100 30 and substitutes a limitation on the maximum amount of property
100 31 tax dollars that may be certified for expenditure by a county
100 32 or city for budget years beginning on or after July 1, 2013.
100 33 For the budget year beginning July 1, 2013, and subsequent
100 34 budget years, the maximum amount of property tax dollars which
100 35 may be certified for levy shall be an amount equal to the



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101 1 sum of the current fiscal year's total property tax dollars
101 2 certified by the applicable city or county multiplied by the
101 3 annual growth factor, as defined in the division, the amount
101 4 of net new valuation taxes, as defined in the division, and
101 5 certain unfunded state or federal mandate costs, as defined in
101 6 the division. The bill does not, however, modify a county's
101 7 ability to certify a supplemental levy for certain purposes
101 8 specified in Code section 331.424. The bill specifies the
101 9 various levies and funds that are subject to the maximum dollar
101 10 limitation.

101 11 The division also allows counties and cities to certify
101 12 additions to the maximum amount of property tax dollars to be
101 13 levied for a budget year if the city or county has conducted a
101 14 second public hearing on the budget. The division specifies
101 15 that such additional amounts are not to be included in the
101 16 computation of the maximum amount of property tax dollars for
101 17 future budget years.

101 18 The division specifies certain requirements for ending fund
101 19 balances for counties and cities. The division provides that
101 20 budgeted ending fund balances for a budget year in excess of 25
101 21 percent of budgeted expenditures shall be explicitly committed
101 22 or assigned for a specific purpose.

101 23 Under the division, counties and cities are encouraged, but
101 24 not required, to reduce budgeted, uncommitted, or unassigned
101 25 ending fund balances for the budget year to an amount equal
101 26 to approximately 25 percent of budgeted expenditures for that
101 27 budget year unless a decision is certified by the state appeal
101 28 board ordering a reduction in the ending fund balance of any of
101 29 those funds. The county or city, as applicable, has the burden
101 30 of proving that the budgeted balances in excess of 25 percent
101 31 are reasonably likely to be appropriated for the explicitly
101 32 committed or assigned specific purpose.

101 33 The division also allows for additional property taxes to
101 34 be levied in certain fiscal years for those counties or cities
101 35 that have, as of June 30, 2012, reduced their actual ending



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102 1 fund balance to less than 25 percent of actual expenditures.
102 2 Such additional property tax dollars authorized but not levied
102 3 may be carried forward as unused ending fund balance taxing
102 4 authority until and for the fiscal year beginning July 1, 2018.
102 5 However, the amount carried forward shall not exceed 25 percent
102 6 of the maximum amount of property tax dollars available in the
102 7 current fiscal year. The amount of such additional property
102 8 taxes levied shall not, however, be included in the computation
102 9 of the maximum amount of property tax dollars which may be
102 10 certified and levied in future budget years.
102 11 The division also makes conforming amendments to other
102 12 provisions of the Code.
102 13 The division takes effect July 1, 2012, and applies to fiscal
102 14 years beginning on or after July 1, 2013.
102 15 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION. This division
102 16 provides that for valuations established as of January 1,
102 17 2012, and each assessment year thereafter, the percentage of
102 18 actual value at which residential property is assessed shall
102 19 be calculated in accordance with the methods provided in Code
102 20 section 441.21, except that in no assessment year shall the
102 21 percentage of actual value at which residential property is
102 22 assessed be less than 50 percent.
102 23 RETROACTIVE APPLICABILITY. Unless otherwise provided, the
102 24 bill, if approved by the governor after July 1, 2011, applies
102 25 retroactively to July 1, 2011.
LSB 2824SV (1) 84
tm/jp



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SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1217)

A BILL FOR

1 An Act relating to the funding of, the operation of, and
2 appropriation of moneys to the college student aid
3 commission, the department for the blind, the department of
4 education, and the state board of regents, and providing
5 for related matters, for penalties and remedies, and for
6 effective date, applicability, and retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2819SV (1) 84
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PAG LIN

DIVISION I
 FY 2011=2012 APPROPRIATIONS
 DEPARTMENT FOR THE BLIND
 Section 1. ADMINISTRATION. There is appropriated from the
 general fund of the state to the department for the blind for
 the fiscal year beginning July 1, 2011, and ending June 30,
 2012, the following amount, or so much thereof as is necessary,
 to be used for the purposes designated:
 1. For salaries, support, maintenance, miscellaneous
 purposes, and for not more than the following full-time
 equivalent positions:
 \$ 1,691,815
 FTEs 88.00
 2. For costs associated with universal access to audio
 information over the phone on demand for blind and print
 handicapped Iowans:
 \$ 50,000
 COLLEGE STUDENT AID COMMISSION
 Sec. 2. There is appropriated from the general fund of the
 state to the college student aid commission for the fiscal year
 beginning July 1, 2011, and ending June 30, 2012, the following
 amounts, or so much thereof as may be necessary, to be used for
 the purposes designated:
 1. GENERAL ADMINISTRATION
 For salaries, support, maintenance, miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:
 \$ 232,943
 FTEs 3.95
 2. STUDENT AID PROGRAMS
 For payments to students for the Iowa grant program
 established in section 261.93:
 \$ 791,177
 3. DES MOINES UNIVERSITY ==== HEALTH CARE PROFESSIONAL
 RECRUITMENT PROGRAM



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2 1 For forgivable loans to Iowa students attending Des Moines
2 2 university === osteopathic medical center under the forgivable
2 3 loan program pursuant to section 261.19:
2 4 \$ 325,973
2 5 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
2 6 For purposes of providing national guard educational
2 7 assistance under the program established in section 261.86:
2 8 \$ 3,186,233
2 9 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
2 10 For the teacher shortage loan forgiveness program
2 11 established in section 261.112:
2 12 \$ 392,452
2 13 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
2 14 For purposes of the all Iowa opportunity foster care grant
2 15 program established pursuant to section 261.6:
2 16 \$ 554,057
2 17 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
2 18 a. For purposes of the all Iowa opportunity scholarship
2 19 program established pursuant to section 261.87:
2 20 \$ 2,240,854
2 21 b. If the moneys appropriated by the general assembly to the
2 22 college student aid commission for fiscal year 2011=2012 for
2 23 purposes of the all Iowa opportunity scholarship program exceed
2 24 \$500,000, "eligible institution" as defined in section 261.87,
2 25 shall, during fiscal year 2011=2012, include accredited private
2 26 institutions as defined in section 261.9, subsection 1.
2 27 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS
2 28 PROGRAM
2 29 a. For purposes of the registered nurse and nurse educator
2 30 loan forgiveness program established pursuant to section
2 31 261.23:
2 32 \$ 80,852
2 33 b. It is the intent of the general assembly that the
2 34 commission continue to consider moneys allocated pursuant to
2 35 this subsection as moneys that meet the state matching funds



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3 1 requirements of the federal leveraging educational assistance
3 2 program and the federal supplemental leveraging educational
3 3 assistance program established under the Higher Education Act
3 4 of 1965, as amended.
3 5 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT
3 6 PROGRAM
3 7 For purposes of the barber and cosmetology arts and sciences
3 8 tuition grant program established pursuant to section 261.18:
3 9 \$ 36,938
3 10 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding section
3 11 261.72, the moneys deposited in the chiropractic loan
3 12 revolving fund created pursuant to section 261.72 may be used
3 13 for purposes of the chiropractic loan forgiveness program
3 14 established in section 261.73.
3 15 Sec. 4. WORK=STUDY APPROPRIATION FOR FY 2011=2012.
3 16 Notwithstanding section 261.85, for the fiscal year beginning
3 17 July 1, 2011, and ending June 30, 2012, the amount appropriated
3 18 from the general fund of the state to the college student aid
3 19 commission for the work=study program under section 261.85
3 20 shall be zero.
3 21 Sec. 5. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM FY
3 22 2010=2011. There is appropriated from the general fund of the
3 23 state to the college student aid commission for the fiscal year
3 24 beginning July 1, 2010, and ending June 30, 2011, the following
3 25 amount, or so much thereof as is necessary, to be used for the
3 26 purposes designated:
3 27 For purposes of providing educational assistance for the
3 28 fiscal year beginning July 1, 2011, under the national guard
3 29 educational assistance program established in section 261.86:
3 30 \$ 500,000
3 31 DEPARTMENT OF EDUCATION
3 32 Sec. 6. There is appropriated from the general fund of
3 33 the state to the department of education for the fiscal year
3 34 beginning July 1, 2011, and ending June 30, 2012, the following
3 35 amounts, or so much thereof as may be necessary, to be used for



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4 1 the purposes designated:
4 2 1. GENERAL ADMINISTRATION
4 3 For salaries, support, maintenance, miscellaneous purposes,
4 4 and for not more than the following full=time equivalent
4 5 positions:
4 6 \$ 5,913,812
4 7 FTEs 81.67
4 8 2. VOCATIONAL EDUCATION ADMINISTRATION
4 9 For salaries, support, maintenance, miscellaneous purposes,
4 10 and for not more than the following full=time equivalent
4 11 positions:
4 12 \$ 449,276
4 13 FTEs 11.50
4 14 3. VOCATIONAL REHABILITATION SERVICES DIVISION
4 15 a. For salaries, support, maintenance, miscellaneous
4 16 purposes, and for not more than the following full=time
4 17 equivalent positions:
4 18 \$ 4,963,168
4 19 FTEs 255.00
4 20 b. For matching funds for programs to enable persons
4 21 with severe physical or mental disabilities to function more
4 22 independently, including salaries and support, and for not more
4 23 than the following full=time equivalent position:
4 24 \$ 39,128
4 25 FTEs 1.00
4 26 c. For the entrepreneurs with disabilities program
4 27 established pursuant to section 259.4, subsection 9:
4 28 \$ 145,535
4 29 d. For costs associated with centers for independent
4 30 living:
4 31 \$ 40,294
4 32 4. STATE LIBRARY
4 33 a. For salaries, support, maintenance, miscellaneous
4 34 purposes, and for not more than the following full=time
4 35 equivalent positions:



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5 1 \$ 1,209,619
5 2 FTEs 17.00
5 3 b. For the enrich Iowa program established under section
5 4 256.57:
5 5 \$ 1,674,227
5 6 5. LIBRARY SERVICE AREA SYSTEM
5 7 For state aid:
5 8 \$ 1,005,444
5 9 6. PUBLIC BROADCASTING DIVISION
5 10 For salaries, support, maintenance, capital expenditures,
5 11 miscellaneous purposes, and for not more than the following
5 12 full-time equivalent positions:
5 13 \$ 6,654,021
5 14 FTEs 82.00
5 15 7. REGIONAL TELECOMMUNICATIONS COUNCILS
5 16 For state aid:
5 17 \$ 992,913
5 18 The regional telecommunications councils established
5 19 in section 8D.5 shall use the moneys appropriated in this
5 20 subsection to provide technical assistance for network
5 21 classrooms, planning and troubleshooting for local area
5 22 networks, scheduling of video sites, and other related support
5 23 activities.
5 24 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
5 25 For reimbursement for vocational education expenditures made
5 26 by secondary schools:
5 27 \$ 2,630,134
5 28 Moneys appropriated in this subsection shall be used
5 29 to reimburse school districts for vocational education
5 30 expenditures made by secondary schools to meet the standards
5 31 set in sections 256.11, 258.4, and 260C.14.
5 32 9. SCHOOL FOOD SERVICE
5 33 For use as state matching funds for federal programs that
5 34 shall be disbursed according to federal regulations, including
5 35 salaries, support, maintenance, miscellaneous purposes, and for



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6 1 not more than the following full-time equivalent positions:
6 2 \$ 2,176,797
6 3 FTEs 20.58
6 4 10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID
6 5 For deposit in the school ready children grants account of
6 6 the early childhood Iowa fund created in section 256I.11:
6 7 \$ 5,386,113
6 8 a. From the moneys deposited in the school ready children
6 9 grants account for the fiscal year beginning July 1, 2011, and
6 10 ending June 30, 2012, not more than \$265,950 is allocated for
6 11 the early childhood Iowa office and other technical assistance
6 12 activities. The early childhood Iowa state board shall direct
6 13 staff to work with the early childhood stakeholders alliance
6 14 created in section 256I.12 to inventory technical assistance
6 15 needs. Moneys allocated under this lettered paragraph may be
6 16 used by the early childhood Iowa state board for the purpose of
6 17 skills development and support for ongoing training of staff.
6 18 However, except as otherwise provided in this subsection,
6 19 moneys shall not be used for additional staff or for the
6 20 reimbursement of staff.
6 21 b. As a condition of receiving moneys appropriated in
6 22 this subsection, each early childhood Iowa area board shall
6 23 report to the early childhood Iowa state board progress on
6 24 each of the local indicators approved by the area board. Each
6 25 early childhood Iowa area board must also submit an annual
6 26 budget for the area's comprehensive school ready children
6 27 grant developed for providing services for children from birth
6 28 through five years of age, and provide other information
6 29 specified by the early childhood Iowa state board, including
6 30 budget amendments as needed. The early childhood Iowa state
6 31 board shall establish a submission deadline for the annual
6 32 budget and any budget amendments that allow a reasonable period
6 33 of time for preparation by the early childhood Iowa area boards
6 34 and for review and approval or request for modification of
6 35 the materials by the early childhood Iowa state board. In



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7 1 addition, each early childhood Iowa area board must continue to
7 2 comply with reporting provisions and other requirements adopted
7 3 by the early childhood Iowa state board in implementing section
7 4 256I.9.

7 5 c. Of the amount appropriated in this subsection for
7 6 deposit in the school ready children grants account of the
7 7 early childhood Iowa fund, \$2,318,018 shall be used for efforts
7 8 to improve the quality of early care, health, and education
7 9 programs. Moneys allocated pursuant to this paragraph may be
7 10 used for additional staff and for the reimbursement of staff.
7 11 The early childhood Iowa state board may reserve a portion
7 12 of the allocation, not to exceed \$88,650, for the technical
7 13 assistance expenses of the early childhood Iowa state office,
7 14 including the reimbursement of staff, and shall distribute
7 15 the remainder to early childhood Iowa areas for local quality
7 16 improvement efforts through a methodology identified by the
7 17 early childhood Iowa state board to make the most productive
7 18 use of the funding, which may include use of the distribution
7 19 formula, grants, or other means.

7 20 d. Of the amount appropriated in this subsection for
7 21 deposit in the school ready children grants account of
7 22 the early childhood Iowa fund, \$825,030 shall be used for
7 23 support of professional development and training activities
7 24 for persons working in early care, health, and education by
7 25 the early childhood Iowa state board in collaboration with
7 26 the professional development component group of the early
7 27 childhood Iowa stakeholders alliance maintained pursuant to
7 28 section 256I.12, subsection 7, paragraph "b", and the early
7 29 childhood Iowa area boards. Expenditures shall be limited to
7 30 professional development and training activities agreed upon by
7 31 the parties participating in the collaboration.

7 32 11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION
7 33 ASSISTANCE

7 34 a. For deposit in the school ready children grants account
7 35 of the early childhood Iowa fund created in section 256I.11:



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8 1 \$ 4,936,586
8 2 b. The amount appropriated in this subsection shall be
8 3 used for early care, health, and education programs to assist
8 4 low-income parents with tuition for preschool and other
8 5 supportive services for children ages three, four, and five
8 6 who are not attending kindergarten in order to increase the
8 7 basic family income eligibility requirement to not more than
8 8 200 percent of the federal poverty level. In addition, if
8 9 sufficient funding is available after addressing the needs of
8 10 those who meet the basic income eligibility requirement, an
8 11 early childhood Iowa area board may provide for eligibility
8 12 for those with a family income in excess of the basic income
8 13 eligibility requirement through use of a sliding scale or other
8 14 copayment provisions.
8 15 12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND PARENT
8 16 EDUCATION
8 17 a. For deposit in the school ready children grants account
8 18 of the early childhood Iowa fund created in section 256I.11:
8 19 \$ 12,364,434
8 20 b. The amount appropriated in this subsection shall be
8 21 used for family support services and parent education programs
8 22 targeted to families expecting a child or with newborn and
8 23 infant children through age five and shall be distributed using
8 24 the distribution formula approved by the early childhood Iowa
8 25 state board and shall be used by an early childhood Iowa area
8 26 board only for family support services and parent education
8 27 programs targeted to families expecting a child or with newborn
8 28 and infant children through age five.
8 29 13. BIRTH TO AGE THREE SERVICES
8 30 For expansion of the federal Individuals with Disabilities
8 31 Education Improvement Act of 2004, Pub. L. No. 108-446, as
8 32 amended to January 1, 2011, birth through age three services
8 33 due to increased numbers of children qualifying for those
8 34 services:
8 35 \$ 1,721,400



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9 1 From the moneys appropriated in this subsection, \$383,769
9 2 shall be allocated to the child health specialty clinic at the
9 3 state university of Iowa to provide additional support for
9 4 infants and toddlers who are born prematurely, drug=exposed, or
9 5 medically fragile.
9 6 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
9 7 To provide moneys for costs of providing textbooks to each
9 8 resident pupil who attends a nonpublic school as authorized by
9 9 section 301.1:
9 10 \$ 560,214
9 11 Funding under this subsection is limited to \$20 per pupil and
9 12 shall not exceed the comparable services offered to resident
9 13 public school pupils.
9 14 15. CORE CURRICULUM AND CAREER INFORMATION AND
9 15 DECISION=MAKING SYSTEM
9 16 For purposes of implementing the statewide core curriculum
9 17 for school districts and accredited nonpublic schools and a
9 18 state=designated career information and decision=making system:
9 19 \$ 1,000,000
9 20 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
9 21 For purposes of the student achievement and teacher quality
9 22 program established pursuant to chapter 284, and for not more
9 23 than the following full=time equivalent positions:
9 24 \$ 4,785,000
9 25 FTEs 2.00
9 26 17. COMMUNITY COLLEGES
9 27 a. For general state financial aid to merged areas as
9 28 defined in section 260C.2 in accordance with chapters 258 and
9 29 260C:
9 30 \$163,774,647
9 31 Notwithstanding the allocation formula in section 260C.18C,
9 32 the funds appropriated in this subsection shall be allocated
9 33 as follows:
9 34 (1) Merged Area I \$
8,164,628
9 35 (2) Merged Area II \$
8,653,675



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10	1	(3)	Merged Area III	\$
7,965,666				
10	2	(4)	Merged Area IV	\$
3,913,107				
10	3	(5)	Merged Area V	\$
9,010,347				
10	4	(6)	Merged Area VI	\$
7,621,843				
10	5	(7)	Merged Area VII	\$
11,387,434				
10	6	(8)	Merged Area IX	\$
14,181,538				
10	7	(9)	Merged Area X	\$
25,053,587				
10	8	(10)	Merged Area XI	\$
25,338,428				
10	9	(11)	Merged Area XII	\$
9,291,308				
10	10	(12)	Merged Area XIII	\$
9,595,296				
10	11	(13)	Merged Area XIV	\$
3,975,456				
10	12	(14)	Merged Area XV	\$
12,456,924				
10	13	(15)	Merged Area XVI	\$
7,165,410				
10	14	b.	For distribution to community colleges to supplement	
10	15		faculty salaries:	
10	16		.....	\$ 500,000
10	17	c.	For deposit in the workforce training and economic	
10	18		development funds created pursuant to section 260C.18A:	
10	19		.....	\$ 5,000,000
10	20		Sec. 7. BOARD OF EDUCATIONAL EXAMINERS LICENSING	
10	21		FEES. Notwithstanding section 272.10, subsection 2, in	
10	22		addition to the percentage of licensing fees required to	
10	23		be deposited with the treasurer of state and credited to	
10	24		the general fund of the state pursuant to section 272.10,	
10	25		subsection 2, the executive director of the board of	
10	26		educational examiners shall, at the close of the fiscal year	
10	27		beginning July 1, 2010, transfer to the department of education	
10	28		the following amounts for the following purposes:	
10	29	1.	For purposes of vocational education administration	
10	30		salaries, support, maintenance, and miscellaneous purposes:	
10	31		.....	\$ 110,521
10	32	2.	For purposes of vocational rehabilitation services	
10	33		division salaries, support, maintenance, and miscellaneous	
10	34		purposes:	
10	35		\$ 176,789



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11 1 Sec. 8. DEPARTMENT OF EDUCATION TRANSFERS. There is
11 2 transferred between the following designated appropriations
11 3 made to the department of education for the fiscal year
11 4 beginning July 1, 2010, and ending June 30, 2011, not more than
11 5 the following amounts:

11 6 From the appropriation made for purposes of the student
11 7 achievement and teacher quality program in 2010 Iowa Acts,
11 8 chapter 1183, section 6, subsection 18, as follows:

11 9 1. To the appropriation made for purposes of vocational
11 10 education administration in 2010 Iowa Acts, chapter 1183,
11 11 section 6, subsection 2:

11 12 \$ 110,521

11 13 2. To the appropriation made for purposes of vocational
11 14 education to secondary schools in 2010 Iowa Acts, chapter 1183,
11 15 section 6, subsection 8:

11 16 \$ 39,458

11 17 3. To the appropriation made for purposes of school food
11 18 service in 2010 Iowa Acts, chapter 1183, section 6, subsection
11 19 9:

11 20 \$ 55,739

11 21 STATE BOARD OF REGENTS

11 22 Sec. 9. There is appropriated from the general fund of
11 23 the state to the state board of regents for the fiscal year
11 24 beginning July 1, 2011, and ending June 30, 2012, the following
11 25 amounts, or so much thereof as may be necessary, to be used for
11 26 the purposes designated:

11 27 1. OFFICE OF STATE BOARD OF REGENTS

11 28 a. For salaries, support, maintenance, miscellaneous
11 29 purposes, and for not more than the following full-time
11 30 equivalent positions:

11 31 \$ 1,074,289

11 32 FTEs 15.00

11 33 (1) The state board of regents shall submit a monthly
11 34 financial report in a format agreed upon by the state board of
11 35 regents office and the legislative services agency.



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12 1 (2) The state board of regents may transfer funding received
12 2 under paragraphs "b", "c", and "d" to any of the centers
12 3 specified in paragraph "b", "c", or "d" if the board notifies
12 4 the general assembly in writing, including both the legislative
12 5 council and the legislative services agency, of the amount, the
12 6 date, and the purpose of the transfer.
12 7 b. For moneys to be allocated to the southwest Iowa graduate
12 8 studies center:
12 9 \$ 88,234
12 10 c. For moneys to be allocated to the siouxland interstate
12 11 metropolitan planning council for the tristate graduate center
12 12 under section 262.9, subsection 22:
12 13 \$ 67,182
12 14 d. For moneys to be allocated to the quad=cities graduate
12 15 studies center:
12 16 \$ 130,908
12 17 e. For moneys to be distributed to Iowa public radio for
12 18 public radio operations:
12 19 \$ 394,981
12 20 2. STATE UNIVERSITY OF IOWA
12 21 a. General university, including lakeside laboratory
12 22 For salaries, support, maintenance, equipment, miscellaneous
12 23 purposes, and for not more than the following full=time
12 24 equivalent positions:
12 25 \$211,565,746
12 26 FTEs 5,058.55
12 27 b. Oakdale campus
12 28 For salaries, support, maintenance, miscellaneous purposes,
12 29 and for not more than the following full=time equivalent
12 30 positions:
12 31 \$ 2,205,620
12 32 FTEs 38.25
12 33 c. State hygienic laboratory
12 34 For salaries, support, maintenance, miscellaneous purposes,
12 35 and for not more than the following full=time equivalent



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13 1 positions:
13 2 \$ 3,567,548
13 3 FTEs 102.50
13 4 d. Family practice program
13 5 For allocation by the dean of the college of medicine, with
13 6 approval of the advisory board, to qualified participants
13 7 to carry out the provisions of chapter 148D for the family
13 8 practice program, including salaries and support, and for not
13 9 more than the following full=time equivalent positions:
13 10 \$ 1,803,854
13 11 FTEs 190.40
13 12 e. Child health care services
13 13 For specialized child health care services, including
13 14 childhood cancer diagnostic and treatment network programs,
13 15 rural comprehensive care for hemophilia patients, and the
13 16 Iowa high=risk infant follow=up program, including salaries
13 17 and support, and for not more than the following full=time
13 18 equivalent positions:
13 19 \$ 665,205
13 20 FTEs 57.97
13 21 f. Statewide cancer registry
13 22 For the statewide cancer registry, and for not more than the
13 23 following full=time equivalent positions:
13 24 \$ 150,351
13 25 FTEs 2.10
13 26 g. Substance abuse consortium
13 27 For moneys to be allocated to the Iowa consortium for
13 28 substance abuse research and evaluation, and for not more than
13 29 the following full=time equivalent position:
13 30 \$ 56,013
13 31 FTEs 1.00
13 32 h. Center for biocatalysis
13 33 For the center for biocatalysis, and for not more than the
13 34 following full=time equivalent positions:
13 35 \$ 730,037



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Senate File 539 - Introduced continued

14	1 FTEs	6.28
14	2	i. Primary health care initiative	
14	3	For the primary health care initiative in the college	
14	4	of medicine, and for not more than the following full=time	
14	5	equivalent positions:	
14	6	..... \$	654,587
14	7	..... FTEs	5.89
14	8	From the moneys appropriated in this lettered paragraph,	
14	9	\$254,889 shall be allocated to the department of family	
14	10	practice at the state university of Iowa college of medicine	
14	11	for family practice faculty and support staff.	
14	12	j. Birth defects registry	
14	13	For the birth defects registry, and for not more than the	
14	14	following full=time equivalent position:	
14	15	..... \$	38,621
14	16	..... FTEs	1.00
14	17	k. Larned A. Waterman Iowa nonprofit resource center	
14	18	For the Larned A. Waterman Iowa nonprofit resource center,	
14	19	and for not more than the following full=time equivalent	
14	20	positions:	
14	21	..... \$	163,956
14	22	..... FTEs	2.75
14	23	l. Iowa online advanced placement academy science,	
14	24	technology, engineering, and mathematics initiative	
14	25	For the establishment of the Iowa online advanced placement	
14	26	academy science, technology, engineering, and mathematics	
14	27	initiative:	
14	28	..... \$	486,050
14	29	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY	
14	30	a. General university	
14	31	For salaries, support, maintenance, equipment, miscellaneous	
14	32	purposes, and for not more than the following full=time	
14	33	equivalent positions:	
14	34 \$	165,777,916
14	35 FTEs	3,647.42



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15 1 b. Agricultural experiment station
15 2 For the agricultural experiment station salaries, support,
15 3 maintenance, miscellaneous purposes, and for not more than the
15 4 following full=time equivalent positions:
15 5 \$ 28,356,948
15 6 FTEs 546.98
15 7 c. Cooperative extension service in agriculture and home
15 8 economics
15 9 For the cooperative extension service in agriculture and
15 10 home economics salaries, support, maintenance, miscellaneous
15 11 purposes, and for not more than the following full=time
15 12 equivalent positions:
15 13 \$ 18,093,089
15 14 FTEs 383.34
15 15 d. Leopold center
15 16 For agricultural research grants at Iowa state university of
15 17 science and technology under section 266.39B, and for not more
15 18 than the following full=time equivalent positions:
15 19 \$ 400,882
15 20 FTEs 11.25
15 21 e. Livestock disease research
15 22 For deposit in and the use of the livestock disease research
15 23 fund under section 267.8:
15 24 \$ 174,352
15 25 4. UNIVERSITY OF NORTHERN IOWA
15 26 a. General university
15 27 For salaries, support, maintenance, equipment, miscellaneous
15 28 purposes, and for not more than the following full=time
15 29 equivalent positions:
15 30 \$ 75,386,103
15 31 FTEs 1,447.50
15 32 b. Recycling and reuse center
15 33 For purposes of the recycling and reuse center, and for not
15 34 more than the following full=time equivalent positions:
15 35 \$ 176,784



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16 1 FTEs 3.00
16 2 c. Science, technology, engineering, and mathematics (STEM)
16 3 collaborative initiative
16 4 For purposes of establishing a science, technology,
16 5 engineering, and mathematics (STEM) collaborative initiative,
16 6 and for not more than the following full-time equivalent
16 7 positions:
16 8 \$ 1,749,778
16 9 FTEs 6.20
16 10 (1) From the moneys appropriated in this lettered
16 11 paragraph, up to \$282,000 shall be allocated for salaries,
16 12 staffing, and institutional support. The remainder of the
16 13 moneys appropriated in this lettered paragraph shall be
16 14 expended only to support activities directly related to
16 15 recruitment of kindergarten through grade 12 mathematics and
16 16 science teachers and for ongoing mathematics and science
16 17 programming for students enrolled in kindergarten through grade
16 18 12.
16 19 (2) The university of northern Iowa shall work with the
16 20 community colleges to develop STEM professional development
16 21 programs for community college instructors and STEM curriculum
16 22 development.
16 23 d. Real estate education program
16 24 For purposes of the real estate education program, and for
16 25 not more than the following full-time equivalent position:
16 26 \$ 126,394
16 27 FTEs 1.00
16 28 5. STATE SCHOOL FOR THE DEAF
16 29 For salaries, support, maintenance, miscellaneous purposes,
16 30 and for not more than the following full-time equivalent
16 31 positions:
16 32 \$ 8,437,786
16 33 FTEs 126.60
16 34 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
16 35 For salaries, support, maintenance, miscellaneous purposes,



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17 1 and for not more than the following full-time equivalent
17 2 positions:
17 3 \$ 3,622,320
17 4 FTEs 62.87
17 5 7. TUITION AND TRANSPORTATION COSTS
17 6 For payment to local school boards for the tuition and
17 7 transportation costs of students residing in the Iowa braille
17 8 and sight saving school and the state school for the deaf
17 9 pursuant to section 262.43 and for payment of certain clothing,
17 10 prescription, and transportation costs for students at these
17 11 schools pursuant to section 270.5:
17 12 \$ 11,865
17 13 8. LICENSED CLASSROOM TEACHERS
17 14 For distribution at the Iowa braille and sight saving school
17 15 and the Iowa school for the deaf based upon the average yearly
17 16 enrollment at each school as determined by the state board of
17 17 regents:
17 18 \$ 82,765
17 19 Sec. 10. ENERGY COST=SAVINGS PROJECTS === FINANCING. For
17 20 the fiscal year beginning July 1, 2011, and ending June 30,
17 21 2012, the state board of regents may use notes, bonds, or
17 22 other evidences of indebtedness issued under section 262.48 to
17 23 finance projects that will result in energy cost savings in an
17 24 amount that will cause the state board to recover the cost of
17 25 the projects within an average of six years.
17 26 Sec. 11. PRESCRIPTION DRUG COSTS. Notwithstanding section
17 27 270.7, the department of administrative services shall pay
17 28 the state school for the deaf and the Iowa braille and sight
17 29 saving school the moneys collected from the counties during the
17 30 fiscal year beginning July 1, 2011, for expenses relating to
17 31 prescription drug costs for students attending the state school
17 32 for the deaf and the Iowa braille and sight saving school.
17 33 Sec. 12. Section 256I.9, subsection 2, Code 2011, is amended
17 34 to read as follows:
17 35 2. The state board shall provide maximum flexibility to



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18 1 grantees for the use of the grant moneys included in a school
18 2 ready children grant, including but not limited to authorizing
18 3 an area board to use grant moneys to pay for regular audits
18 4 required pursuant to section 256I.5, subsection 1, if moneys
18 5 distributed to an area board for administrative costs are
18 6 insufficient to pay for the required audits.

18 7 Sec. 13. Section 256I.9, subsection 3, paragraph b, Code
18 8 2011, is amended by adding the following new unnumbered
18 9 paragraph:

18 10 NEW UNNUMBERED PARAGRAPH It is the intent of the general
18 11 assembly that priority for home visitation program funding be
18 12 given to programs using evidence-based or promising models for
18 13 home visitation.

18 14 Sec. 14. Section 257.11, subsection 5, Code 2011, is amended
18 15 by striking the subsection.

18 16 Sec. 15. Section 261.6, subsection 2, Code 2011, is amended
18 17 by adding the following new paragraph:

18 18 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,
18 19 notwithstanding subsection 3, paragraph "c", under the age of
18 20 twenty-six; is not a convicted felon as defined in section
18 21 910.15; and meets the following criteria:

18 22 (a) Is the child of a peace officer, as defined in section
18 23 97A.1, who is permanently and totally disabled and who receives
18 24 benefits under section 97A.6, subsection 5, or was killed in
18 25 the line of duty as determined by the board of trustees of the
18 26 Iowa department of public safety peace officers' retirement,
18 27 accident, and disability system in accordance with section
18 28 97A.6, subsection 16.

18 29 (b) Is the child of a police officer or a fire fighter,
18 30 as defined in section 411.1, who is permanently and totally
18 31 disabled and who receives benefits under section 411.6,
18 32 subsection 5, or was killed in the line of duty as determined
18 33 by the statewide fire and police retirement system in
18 34 accordance with section 411.6, subsection 15.

18 35 (c) Is the child of a person described as a peace officer



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19 1 under section 97B.49B or is the child of a sheriff or deputy
19 2 sheriff as defined in section 97B.49C, who is permanently and
19 3 totally disabled and who receives an in-service disability
19 4 retirement allowance under section 97B.50A, subsection 2, or
19 5 is killed in the line of duty as determined by the Iowa public
19 6 employees' retirement system in accordance with section 97B.52,
19 7 subsection 2.

19 8 (2) If a student receives financial aid under any other
19 9 federal, state, or institutional scholarship or grant program,
19 10 the full amount of the other financial aid shall be applied to
19 11 the student's expenses first and shall be considered part of
19 12 the student's available financial resources in determining the
19 13 amount of the student's award under this paragraph "d". The
19 14 total financial aid for the student's education, including
19 15 financial aid under any other program, shall not exceed the
19 16 student's cost of attendance at the institution which the
19 17 student attends.

19 18 (3) For purposes of this paragraph "d":

19 19 (a) "Approved postsecondary education or training program"
19 20 means a program offered by an Iowa community college or
19 21 institution of higher education governed by the state board of
19 22 regents.

19 23 (b) "Permanently and totally disabled" means the individual
19 24 is unable to engage in any substantial gainful activity
19 25 by reason of a medically determinable physical impairment
19 26 which can be expected to last for a continuous period or
19 27 can be expected to result in death. A certificate from a
19 28 qualified physician attesting to the individual's permanent
19 29 and total disability must be submitted to the commission. The
19 30 certificate must include the name and address of the physician
19 31 and contain an acknowledgment that the certificate will be
19 32 used by the individual to qualify for educational assistance
19 33 pursuant to this section.

19 34 Sec. 16. Section 261.19, Code 2011, is amended to read as
19 35 follows:



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20 1 261.19 ~~Osteopathic physician~~ Health care professional
20 2 recruitment program.
20 3 1. A physician health care professional recruitment program
20 4 is established, to be administered by the college student aid
20 5 commission, for Des Moines university ~~==== osteopathic medical~~
~~20 6 center.~~ The program shall consist of a ~~forgivable loan program~~
~~20 7 and a tuition scholarship program for students and a loan~~
20 8 repayment program for ~~physicians~~ health care professionals.
20 9 The commission shall regularly adjust the ~~physician~~ service
20 10 requirement under each aspect of the program to provide, to the
20 11 extent possible, an equal financial benefit for each period of
20 12 service required.
20 13 2.a. ~~Notwithstanding the administration provisions of~~
~~20 14 subsection 1, the forgivable loan program established pursuant~~
~~20 15 to subsection 1 shall be administered by the commission in~~
~~20 16 conjunction with Des Moines university ---- osteopathic medical~~
~~20 17 center. Des Moines university ---- osteopathic medical center~~
~~20 18 shall match on an equal basis state aid appropriated for~~
~~20 19 purposes of the forgivable loan program.~~
20 20 b. ~~Des Moines university ---- osteopathic medical center~~
~~20 21 shall provide recommendations to the commission for students~~
~~20 22 who meet the eligibility requirements of the forgivable loan~~
~~20 23 program. A forgivable loan may be awarded to a resident of~~
~~20 24 Iowa who is enrolled at Des Moines university ---- osteopathic~~
~~20 25 medical center if the student agrees to practice in this state~~
~~20 26 for a period of time to be determined by the commission at~~
~~20 27 the time the loan is awarded. Forgivable loans to eligible~~
~~20 28 students shall not become due until after the student completes~~
~~20 29 a residency program. Interest on the loans shall begin to~~
~~20 30 accrue the day following the student's graduation date. If~~
~~20 31 the student completes the period of practice established by~~
~~20 32 the commission and agreed to by the student, the loan amount~~
~~20 33 shall be forgiven. The loan amount shall not be forgiven if~~
~~20 34 the osteopathic physician fails to complete the required time~~
~~20 35 period of practice in this state or fails to satisfactorily~~



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~~21 1 continue in the university's program of medical education.~~
~~21 2 3. A student enrolled at Des Moines university ----~~
~~21 3 osteopathic medical center shall be eligible for a tuition~~
~~21 4 scholarship for the student's study at the university. The~~
~~21 5 scholarship shall be for an amount not to exceed the annual~~
~~21 6 tuition at the university. A student who receives a tuition~~
~~21 7 scholarship shall not be eligible for the loan repayment~~
~~21 8 program provided for by this section. A student who receives~~
~~21 9 a tuition scholarship shall agree to practice in an eligible~~
~~21 10 rural community in this state for a period of time to be~~
~~21 11 determined by the commission at the time the scholarship is~~
~~21 12 awarded. The student shall repay the scholarship to the~~
~~21 13 commission if the student fails to practice in a medically~~
~~21 14 underserved rural community in this state for the required~~
~~21 15 period of time.~~
~~21 16 4. A physician health care professional shall be eligible~~
~~21 17 for the physician loan repayment program if the physician~~
~~21 18 health care professional agrees to practice in an eligible~~
~~21 19 rural community in this state. Des Moines university ----~~
~~21 20 osteopathic medical center shall recruit and place physicians~~
~~21 21 health care professionals in rural communities which have~~
~~21 22 agreed to provide additional funds for the physician's~~
~~21 23 recipient's loan repayment. The contract for the loan~~
~~21 24 repayment shall stipulate the time period the physician~~
~~21 25 recipient shall practice in an eligible rural community in this~~
~~21 26 state. In addition, the contract shall stipulate that the~~
~~21 27 physician recipient repay any funds paid on the physician's~~
~~21 28 recipient's loan by the commission if the physician recipient~~
~~21 29 fails to practice in an eligible rural community in this state~~
~~21 30 for the required period of time.~~
~~21 31 3. A health care professional recruitment revolving fund~~
~~21 32 is created in the state treasury as a separate fund under~~
~~21 33 the control of the commission. The commission shall deposit~~
~~21 34 payments made by health care professional recruitment program~~
~~21 35 recipients and the proceeds from the sale of osteopathic loans~~



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22 1 awarded pursuant to section 261.19, subsection 2, paragraph
22 2 "b", Code 2011, into the health care professional recruitment
22 3 revolving fund. Moneys credited to the fund shall be used to
22 4 supplement moneys appropriated for the health care professional
22 5 recruitment program, for loan repayment in accordance with this
22 6 section, and to pay for loan or interest repayment defaults by
22 7 program recipients. Notwithstanding section 8.33, any balance
22 8 in the fund on June 30 of any fiscal year shall not revert to
22 9 the general fund of the state.

22 10 4. For purposes of this ~~subsection~~, "eligible section:
22 11 a. "Eligible rural community" means a medically underserved
22 12 rural community which agrees to match state funds provided
22 13 on at least a dollar=for=dollar basis for the loan repayment
22 14 of a ~~physician~~ health care professional who practices in the
22 15 community.
22 16 b. "Health care professional" means a ~~physician~~, physician
22 17 assistant, podiatrist, or physical therapist.

22 18 5. The commission shall adopt rules pursuant to chapter 17A
22 19 to administer this section.

22 20 Sec. 17. Section 261.25, subsections 1 through 3, Code 2011,
22 21 are amended to read as follows:

22 22 1. There is appropriated from the general fund of the state
22 23 to the commission for each fiscal year the sum of ~~forty=four~~
22 24 ~~forty=two million thirteen~~ three hundred fifty=two thousand
22 25 ~~four six hundred forty-eight~~ eighty=seven dollars for tuition
22 26 grants.

22 27 2. There is appropriated from the general fund of the state
22 28 to the commission for each fiscal year the sum of four million
22 29 ~~six four hundred fifty~~ twenty=five thousand ~~four two~~ hundred
22 30 ~~eighty=seven~~ forty=four dollars for tuition grants for students
22 31 attending for=profit accredited private institutions located in
22 32 Iowa. A for=profit institution which, effective March 9, 2005,
22 33 or effective January 8, 2010, purchased an accredited private
22 34 institution that was exempt from taxation under section 501(c)
22 35 of the Internal Revenue Code, shall be an eligible institution



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23 1 under the tuition grant program. For purposes of the tuition
23 2 grant program, "for-profit accredited private institution" means
23 3 an accredited private institution which is not exempt from
23 4 taxation under section 501(c)(3) of the Internal Revenue Code
23 5 but which otherwise meets the requirements of section 261.9,
23 6 subsection 1, paragraph "b", and whose students were eligible
23 7 to receive tuition grants in the fiscal year beginning July 1,
23 8 2003.

23 9 3. There is appropriated from the general fund of the state
23 10 to the commission for each fiscal year the sum of two million
23 11 ~~four~~ two hundred ~~thirteen~~ fifty thousand ~~nine~~ one hundred
23 12 ~~fifty-nine~~ eighty-five dollars for vocational-technical tuition
23 13 grants.

23 14 Sec. 18. Section 261E.3, subsection 1, paragraph e, Code
23 15 2011, is amended to read as follows:

23 16 e. The student shall have demonstrated proficiency in
23 17 reading, mathematics, and science as evidenced by achievement
23 18 scores on the latest administration of the state assessment for
23 19 which scores are available and as defined by the department.
23 20 However, a student receiving competent private instruction
23 21 under chapter 299A may demonstrate proficiency by submitting
23 22 the written recommendation of the licensed practitioner
23 23 providing supervision to the student in accordance with section
23 24 299A.2; may demonstrate proficiency as evidenced by achievement
23 25 scores on the annual achievement evaluation required under
23 26 section 299A.4; or may demonstrate proficiency as evidenced by
23 27 a selection index, which is the sum of the critical reading,
23 28 mathematics, and writing skills assessments, of at least one
23 29 hundred forty-one on the preliminary scholastic aptitude
23 30 test administered by the college board; a composite score
23 31 of at least twenty-one on the college readiness assessment
23 32 administered by ACT, inc.; or a sum of the critical reading
23 33 and mathematics scores of at least nine hundred ninety on the
23 34 college readiness assessment administered by the college board.
23 35 If a student is not proficient in one or more of the content



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24 1 areas listed in this paragraph, has not taken the college
24 2 readiness assessments identified in this paragraph, or has not
24 3 achieved the scores specified in this paragraph, the school
24 4 board may establish alternative but equivalent qualifying
24 5 performance measures including but not limited to additional
24 6 administrations of the state assessment, portfolios of student
24 7 work, student performance rubric, or end-of-course assessments.
24 8 Sec. 19. Section 261E.9, subsections 1 through 3, Code 2011,
24 9 are amended to read as follows:
24 10 1. a. A regional academy is a program established by
24 11 a school district to which multiple school districts send
24 12 students in grades ~~nine~~ seven through twelve, ~~and which may~~
~~24 13 include internet-based coursework and courses delivered via the~~
~~24 14 Iowa communications network. A regional academy shall include~~
~~24 15 in its curriculum advanced level courses and may include in its~~
~~24 16 curriculum career and technical courses. A school district~~
24 17 establishing a regional academy may collaborate and partner
24 18 with, enter into an agreement pursuant to chapter 28E with,
24 19 or enter into a contract with, one or more school districts,
24 20 area education agencies, community colleges, accredited public
24 21 and private postsecondary institutions, accredited nonpublic
24 22 schools, businesses, and private agencies located within or
24 23 outside of the state.
24 24 b. The purpose of a regional academy established pursuant
24 25 to this section shall be to build a culture of innovation for
24 26 students and community, to diversify educational and economic
24 27 opportunities by engaging in learning experiences that involve
24 28 students in complex, real-world projects, and to develop
24 29 regional or global innovation networks.
24 30 c. If a school district establishing a regional academy in
24 31 accordance with this section submits a plan to the department
24 32 for approval that demonstrates how the regional academy will
24 33 increase and assess student achievement or increase and assess
24 34 competency-based learning opportunities for students, the
24 35 department may waive or modify any statutory or regulatory



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25 1 provision applicable to school districts except the department
25 2 shall not waive or modify any statutory or regulatory provision
25 3 relating to requirements applicable to school districts under
25 4 chapters 11, 21, 22, 216, 216A, 256B, 279, 284, and 285; or
25 5 relating to contracts with and discharge of teachers and
25 6 administrators under chapters 20 and 279; or relating to audit
25 7 requirements under section 256.9, subsection 20, and section
25 8 279.29.

25 9 2. a. A regional academy ~~course~~ shall ~~not qualify as a~~
25 10 ~~concurrent enrollment course~~ include in its curriculum advanced
25 11 level courses.

25 12 b. A regional academy may include in its curriculum virtual
25 13 or internet-based coursework and courses delivered via the Iowa
25 14 communications network, career and technical courses, core
25 15 curriculum coursework, courses required pursuant to section
25 16 256.7, subsection 26, or section 256.11, subsections 4 and 5,
25 17 and asynchronous learning networks.

25 18 3. School districts participating in regional academies are
25 19 eligible for supplementary weighting as provided in section
25 20 257.11, subsection 2. The school districts participating in
25 21 the regional academy shall enter into an agreement on how the
25 22 funding generated by the supplementary weighting received shall
25 23 be used and shall submit the agreement to the department for
25 24 approval.

25 25 Sec. 20. Section 262.13, Code 2011, is amended to read as
25 26 follows:

25 27 262.13 ~~Security~~ Peace officers at institutions ~~as peace~~
25 28 ~~officers.~~

25 29 The board may authorize any institution under its control
25 30 to commission one or more of its employees as ~~special security~~
25 31 ~~peace officers. Special security officers~~ Such officers shall
25 32 have the same powers, duties, privileges, and immunities ~~of~~
25 33 ~~as conferred on regular peace officers when acting in the~~
25 34 ~~interests of the institution by which they are employed.~~

25 35 The board shall provide as rapidly as practicable for the



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26 1 adequate training and certification of such ~~special security~~
26 2 peace officers at the Iowa law enforcement academy or in
26 3 an equivalent at a law enforcement training program school
26 4 approved by the academy, unless they have the peace officers
26 5 are already received such training certified by the Iowa law
26 6 enforcement academy or by an approved law enforcement training
26 7 school.

26 8 Sec. 21. Section 263.8A, Code 2011, is amended to read as
26 9 follows:

26 10 263.8A International center for talented and gifted education
26 11 === Iowa online advanced placement academy science, technology,
26 12 engineering, and mathematics initiative.

26 13 1. a. The state board of regents shall establish and
26 14 maintain at Iowa City as an integral part of the state
26 15 university of Iowa the international center for talented and
26 16 gifted education. The international center shall provide
26 17 programs to assist classroom teachers to teach gifted and
26 18 talented students in regular classrooms, provide programs
26 19 to enhance the learning experiences of gifted and talented
26 20 students, serve as a center for national and international
26 21 symposiums and policy forums for enhancing the teaching of
26 22 gifted and talented students, and undertake other appropriate
26 23 activities to enhance the programs of the center, including,
26 24 but not limited to, coordinating and working with the world
26 25 council for gifted and talented children, incorporated.

26 26 b. An international center endowment fund is established
26 27 at the state university of Iowa and gifts and grants to the
26 28 international center and investment earnings and returns on
26 29 the endowment fund shall be deposited in the fund and may be
26 30 expended by the state university of Iowa for the purposes for
26 31 which the international center was established.

26 32 2. The Iowa online advanced placement academy science,
26 33 technology, engineering, and mathematics initiative is
26 34 established within the international center for talented and
26 35 gifted education at the state university of Iowa to deliver,



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27 1 with an emphasis on science, technology, engineering, and
27 2 mathematics coursework, preadvanced placement and advanced
27 3 placement courses to high school students throughout the state,
27 4 provide training opportunities for teachers to learn how to
27 5 teach advanced placement courses in Iowa's high schools, and
27 6 provide preparation for middle school students to ensure
27 7 success in high school.

27 8 Sec. 22. Section 284.13, subsection 1, paragraphs a through
27 9 d, Code 2011, are amended to read as follows:

27 10 a. For the fiscal year beginning July 1, ~~2010~~ 2011, and
27 11 ending June 30, ~~2011~~ 2012, to the department of education, the
27 12 amount of ~~nine~~ six hundred ~~sixty-four~~ eighty-five thousand
27 13 dollars for the issuance of national board certification awards
27 14 in accordance with section 256.44. Of the amount allocated
27 15 under this paragraph, not less than ~~seventy-six~~ eighty-five
27 16 thousand ~~five hundred~~ dollars shall be used to administer the
27 17 ambassador to education position in accordance with section
27 18 256.45.

27 19 b. For the fiscal year beginning July 1, ~~2010~~ 2011, and
27 20 ~~succeeding fiscal years~~ ending June 30, 2012, an amount
27 21 up to ~~four~~ two million ~~one~~ three hundred ~~seven~~ ninety-five
27 22 thousand ~~two hundred forty~~ one hundred fifty-seven dollars
27 23 for first-year and second-year beginning teachers, to the
27 24 department of education for distribution to school districts
27 25 and area education agencies for purposes of the beginning
27 26 teacher mentoring and induction programs. A school district or
27 27 area education agency shall receive one thousand three hundred
27 28 dollars per beginning teacher participating in the program.
27 29 If the funds appropriated for the program are insufficient to
27 30 pay mentors, school districts, and area education agencies
27 31 as provided in this paragraph, the department shall prorate
27 32 the amount distributed to school districts and area education
27 33 agencies based upon the amount appropriated. Moneys received
27 34 by a school district or area education agency pursuant to
27 35 this paragraph shall be expended to provide each mentor with



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28 1 an award of five hundred dollars per semester, at a minimum,
28 2 for participation in the school district's or area education
28 3 agency's beginning teacher mentoring and induction program;
28 4 to implement the plan; and to pay any applicable costs of the
28 5 employer's share of contributions to federal social security
28 6 and the Iowa public employees' retirement system or a pension
28 7 and annuity retirement system established under chapter 294,
28 8 for such amounts paid by the district or area education agency.

28 9 c. For the fiscal year beginning July 1, ~~2010~~ 2011, and
28 10 ending June 30, ~~2011~~ 2012, up to six hundred ~~thirteen~~ thousand
28 11 ~~eight hundred seventy-eight~~ dollars to the department for
28 12 purposes of implementing the professional development program
28 13 requirements of section 284.6, assistance in developing model
28 14 evidence for teacher quality committees established pursuant to
28 15 section 284.4, subsection 1, paragraph "c", and the evaluator
28 16 training program in section 284.10. A portion of the funds
28 17 allocated to the department for purposes of this paragraph may
28 18 be used by the department for administrative purposes and for
28 19 not more than four full-time equivalent positions.

28 20 d. ~~For each the fiscal year in which funds are appropriated~~
~~28 21 for purposes of this chapter beginning July 1, 2011, and~~
28 22 ending June 30, 2012, an amount up to one million ~~six~~ one
28 23 ~~hundred twenty-nine~~ four thousand ~~six~~ eight hundred ~~forty-seven~~
~~28 24 forty-three~~ dollars to the department for the establishment
28 25 of teacher development academies in accordance with section
28 26 284.6, subsection 10. A portion of the funds allocated to
28 27 the department for purposes of this paragraph may be used for
28 28 administrative purposes.

28 29 Sec. 23. Section 298.3, subsection 1, paragraph c, Code
28 30 2011, is amended to read as follows:

28 31 c. The purchase, lease, or lease=purchase of ~~a single unit~~
~~28 32 of~~ equipment or technology exceeding five hundred dollars in
28 33 value per ~~unit~~ purchase, lease, or lease=purchase transaction.
28 34 Each transaction may include multiple equipment or technology
28 35 units.



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29 1 Sec. 24. Section 299A.2, Code 2011, is amended to read as
29 2 follows:
29 3 299A.2 Competent private instruction by licensed
29 4 practitioner.
29 5 If a licensed practitioner provides competent instruction
29 6 to a school=age child ~~of compulsory attendance age~~, the
29 7 practitioner shall possess a valid license or certificate which
29 8 has been issued by the state board of educational examiners
29 9 under chapter 272 and which is appropriate to the ages and
29 10 grade levels of the children to be taught. Competent private
29 11 instruction may include, but is not limited to, a home school
29 12 assistance program which provides instruction or instructional
29 13 supervision offered through an accredited nonpublic school or
29 14 public school district by a teacher, who is employed by the
29 15 accredited nonpublic school or public school district, who
29 16 assists and supervises a parent, guardian, or legal custodian
29 17 in providing instruction to a child. If competent private
29 18 instruction is provided through a public school district, the
29 19 child shall be enrolled and included in the basic enrollment
29 20 of the school district as provided in section 257.6. Sections
29 21 299A.3 through 299A.7 do not apply to competent private
29 22 instruction provided by a licensed practitioner under this
29 23 section. However, the reporting requirement contained in
29 24 section 299A.3, subsection 1, shall apply to competent private
29 25 instruction provided by licensed practitioners that is not
29 26 part of a home school assistance program offered through an
29 27 accredited nonpublic school or public school district.
29 28 Sec. 25. Section 299A.8, Code 2011, is amended to read as
29 29 follows:
29 30 299A.8 Dual enrollment.
29 31 If a parent, guardian, or legal custodian of a school=age
29 32 child who is receiving competent private instruction under
29 33 this chapter ~~or a child over compulsory age who is receiving~~
29 34 ~~private instruction~~ submits a request, the child shall also be
29 35 registered in a public school for dual enrollment purposes.



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30 1 If the child is enrolled in a public school district for
30 2 dual enrollment purposes, the child shall be permitted to
30 3 participate in any academic activities in the district and
30 4 shall also be permitted to participate on the same basis as
30 5 public school children in any extracurricular activities
30 6 available to children in the child's grade or group, and the
30 7 parent, guardian, or legal custodian shall not be required to
30 8 pay the costs of any annual evaluation under this chapter. If
30 9 the child is enrolled for dual enrollment purposes, the child
30 10 shall be included in the public school's basic enrollment
30 11 under section 257.6. A pupil who is participating only in
30 12 extracurricular activities shall be counted under section
30 13 257.6, subsection 1, paragraph "a", subparagraph (6). A pupil
30 14 enrolled in grades nine through twelve under this section shall
30 15 be counted in the same manner as a shared-time pupil under
30 16 section 257.6, subsection 1, paragraph "a", subparagraph (3).

30 17 Sec. 26. Section 299A.12, subsection 1, Code 2011, is
30 18 amended to read as follows:

30 19 1. The board of directors of a school district ~~may~~ shall
30 20 expend moneys received pursuant to section 257.6, subsection
30 21 1, paragraph "a", subparagraph (5), for purposes of providing a
30 22 home school assistance program.

30 23 Sec. 27. Section 299A.12, subsection 2, paragraphs a and b,
30 24 Code 2011, are amended to read as follows:

30 25 a. ~~Assisting~~ Instruction for students and assisting parents
30 26 with instruction.

30 27 b. ~~Student Support services for students and teaching-parent~~
~~30 28 support services teaching parents and staff support services.~~

30 29 Sec. 28. Section 299A.12, subsection 2, paragraph g,
30 30 unnumbered paragraph 1, Code 2011, is amended to read as
30 31 follows:

30 32 Resources, materials, computer software and hardware, ~~and~~
30 33 supplies, and purchased services that meet the following
30 34 criteria:

30 35 Sec. 29. Section 299A.12, subsection 3, paragraphs b, c, e,



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31 1 and f, Code 2011, are amended to read as follows:

31 2 b. Operational or maintenance costs ~~in addition to the cost~~
~~31 3 of maintaining school district facilities other than those~~
31 4 necessary to operate and maintain the program.

31 5 c. Capital expenditures other than equipment or facility
31 6 acquisition, including the lease or rental of space to
31 7 supplement existing schoolhouse facilities.

31 8 e. Administrative costs other than the costs necessary to
31 9 administer the program.

31 10 f. Concurrent and dual enrollment ~~program~~ costs and
31 11 postsecondary enrollment options program costs.

31 12 Sec. 30. Section 321.89, subsection 1, paragraph c, Code
31 13 2011, is amended to read as follows:

31 14 c. "Police authority" means the state patrol, any law
31 15 enforcement agency of a county or city, or any ~~special security~~
~~31 16 peace officer~~ employed by the state board of regents under
31 17 section 262.13.

31 18 Sec. 31. Section 801.4, subsection 11, paragraph f, Code
31 19 2011, is amended to read as follows:

31 20 f. ~~Special security~~ Peace officers employed by board of
31 21 regents institutions as set forth in section 262.13.

31 22 Sec. 32. REPEAL. Section 261.19B, Code 2011, is repealed.

31 23 Sec. 33. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
31 24 APPLICABILITY.

31 25 1. The section of this division of this Act appropriating
31 26 moneys from the general fund of the state to the college
31 27 student aid commission for purposes of providing national guard
31 28 educational assistance, being deemed of immediate importance,
31 29 takes effect upon enactment, and if approved by the governor on
31 30 or after July 1, 2011, shall apply retroactively to June 30,
31 31 2011.

31 32 2. The section of this division of this Act providing for
31 33 the transfer of board of educational examiners' licensing fees
31 34 to the department of education, being deemed of immediate
31 35 importance, takes effect immediately, and if approved by the



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32 1 governor on or after July 1, 2011, shall apply retroactively
32 2 to June 30, 2011.

32 3 3. The section of this division of this Act transferring
32 4 moneys appropriated pursuant to 2010 Iowa Acts, chapter 1183,
32 5 section 6, subsection 18, being deemed of immediate importance,
32 6 takes effect upon enactment, and if approved by the governor on
32 7 or after July 1, 2011, shall apply retroactively to June 30,
32 8 2011.

32 9 4. The section of this division of this Act amending section
32 10 261.6, subsection 2, being deemed of immediate importance,
32 11 takes effect upon enactment and if approved by the governor on
32 12 or after July 1, 2011, shall apply retroactively to June 30,
32 13 2011.

32 14 Sec. 34. EFFECTIVE DATE AND APPLICABILITY. The section of
32 15 this division of this Act amending section 261E.9, subsections
32 16 1 through 3, takes effect July 1, 2012, and is applicable to
32 17 school years beginning on or after July 1, 2012.

32 18 Sec. 35. APPLICABILITY. The section of this division of
32 19 this Act that amends section 298.3 applies to school budget
32 20 years beginning on or after July 1, 2011.

32 21 Sec. 36. RETROACTIVE APPLICABILITY. The sections of this
32 22 division of this Act amending sections 299A.2 and 299A.8 apply
32 23 retroactively to the base year beginning July 1, 2009.

32 24 DIVISION II

32 25 LIBRARY PROVISIONS

32 26 Sec. 37. Section 8A.454, subsection 2, Code 2011, is amended
32 27 to read as follows:

32 28 2. A monthly per contract administrative charge shall
32 29 be assessed by the department on all health insurance plans
32 30 administered by the department in which the contract holder
32 31 has a state employer to pay the charge. The amount of the
32 32 administrative charge shall be established by the general
32 33 assembly. The department shall collect the administrative
32 34 charge from each department utilizing the centralized payroll
32 35 system and shall deposit the proceeds in the fund. In



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33 1 addition, the state board of regents, ~~all library service~~
~~33 2 areas,~~ the state fair board, the state department of
33 3 transportation, and each judicial district department of
33 4 correctional services shall remit the administrative charge on
33 5 a monthly basis to the department and shall submit a report
33 6 to the department containing the number and type of health
33 7 insurance contracts held by each of its employees whose health
33 8 insurance is administered by the department.
33 9 Sec. 38. Section 8D.2, subsection 5, paragraph a, Code 2011,
33 10 is amended to read as follows:
33 11 a. "Public agency" means a state agency, an institution
33 12 under the control of the board of regents, the judicial
33 13 branch as provided in section 8D.13, subsection 16, a school
33 14 corporation, a city library, ~~a library service area as provided~~
~~33 15 in chapter 256,~~ a county library as provided in chapter 336,
33 16 or a judicial district department of correctional services
33 17 established in section 905.2, to the extent provided in section
33 18 8D.13, subsection 14, an agency of the federal government, or a
33 19 United States post office which receives a federal grant for
33 20 pilot and demonstration projects.
33 21 Sec. 39. Section 8D.9, subsection 1, Code 2011, is amended
33 22 to read as follows:
33 23 1. A private or public agency, other than a state agency,
33 24 local school district or nonpublic school, city library,
33 25 ~~library service area,~~ county library, judicial branch, judicial
33 26 district department of correctional services, agency of the
33 27 federal government, a hospital or physician clinic, or a
33 28 post office authorized to be offered access pursuant to this
33 29 chapter as of May 18, 1994, shall certify to the commission
33 30 no later than July 1, 1994, that the agency is a part of or
33 31 intends to become a part of the network. Upon receiving such
33 32 certification from an agency not a part of the network on May
33 33 18, 1994, the commission shall provide for the connection of
33 34 such agency as soon as practical. An agency which does not
33 35 certify to the commission that the agency is a part of or



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34 1 intends to become a part of the network as required by this
34 2 subsection shall be prohibited from using the network.
34 3 Sec. 40. Section 8D.11, subsection 4, Code 2011, is amended
34 4 to read as follows:
34 5 4. A political subdivision receiving communications
34 6 services from the state as of April 1, 1986, may continue to
34 7 do so but communications services shall not be provided or
34 8 resold to additional political subdivisions other than a school
34 9 corporation, a city library, ~~a library service area as provided~~
~~34 10 in chapter 256,~~ and a county library as provided in chapter
34 11 336. The rates charged to the political subdivision shall be
34 12 the same as the rates charged to state agencies.
34 13 Sec. 41. Section 12C.1, subsection 1, Code 2011, is amended
34 14 to read as follows:
34 15 1. All funds held by the following officers or institutions
34 16 shall be deposited in one or more depositories first approved
34 17 by the appropriate governing body as indicated: for the
34 18 treasurer of state, by the executive council; for judicial
34 19 officers and court employees, by the supreme court; for the
34 20 county treasurer, recorder, auditor, and sheriff, by the board
34 21 of supervisors; for the city treasurer or other designated
34 22 financial officer of a city, by the city council; for the
34 23 county public hospital or merged area hospital, by the board
34 24 of hospital trustees; for a memorial hospital, by the memorial
34 25 hospital commission; for a school corporation, by the board
34 26 of school directors; for a city utility or combined utility
34 27 system established under chapter 388, by the utility board;
34 28 ~~for a library service area established under chapter 256,~~
~~34 29 by the library service area board of trustees;~~ and for an
34 30 electric power agency as defined in section 28F.2 or 390.9,
34 31 by the governing body of the electric power agency. However,
34 32 the treasurer of state and the treasurer of each political
34 33 subdivision or the designated financial officer of a city shall
34 34 invest all funds not needed for current operating expenses in
34 35 time certificates of deposit in approved depositories pursuant



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35 1 to this chapter or in investments permitted by section 12B.10.
35 2 The list of public depositories and the amounts severally
35 3 deposited in the depositories are matters of public record.
35 4 This subsection does not limit the definition of "public funds"
35 5 contained in subsection 2. Notwithstanding provisions of this
35 6 section to the contrary, public funds of a state government
35 7 deferred compensation plan established by the executive council
35 8 may also be invested in the investment products authorized
35 9 under section 509A.12.

35 10 Sec. 42. Section 218.22, Code 2011, is amended to read as
35 11 follows:

35 12 218.22 Record privileged.

35 13 Except with the consent of the administrator in charge
35 14 of an institution, or on an order of a court of record, the
35 15 record provided in section 218.21 shall be accessible only
35 16 to the administrator of the division of the department of
35 17 human services in control of such institution, the director
35 18 of the department of human services and to assistants and
35 19 proper clerks authorized by such administrator or the
35 20 administrator's director. The administrator of the division
35 21 of such institution is authorized to permit the division of
35 22 ~~libraries and information~~ library services of the department
35 23 of education and the historical division of the department of
35 24 cultural affairs to copy or reproduce by any photographic,
35 25 photostatic, microfilm, microcard or other process which
35 26 accurately reproduces a durable medium for reproducing the
35 27 original and to destroy in the manner described by law such
35 28 records of residents designated in section 218.21.

35 29 Sec. 43. Section 256.7, unnumbered paragraph 1, Code 2011,
35 30 is amended to read as follows:

35 31 Except for the college student aid commission, the
35 32 commission of libraries and division of library services, and
35 33 the public broadcasting board and division, the state board
35 34 shall:

35 35 Sec. 44. Section 256.7, subsection 17, Code 2011, is amended



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36 1 to read as follows:

36 2 17. Receive and review the budget and unified plan of
36 3 service submitted by the division of ~~libraries and information~~
~~36 4 library services.~~

36 5 Sec. 45. Section 256.9, unnumbered paragraph 1, Code 2011,
36 6 is amended to read as follows:

36 7 Except for the college student aid commission, the
36 8 commission of libraries and division of library services, and
36 9 the public broadcasting board and division, the director shall:

36 10 Sec. 46. Section 256.50, subsection 2, Code 2011, is amended
36 11 to read as follows:

36 12 2. "Division" means the division of ~~libraries and~~
~~36 13 information~~ library services of the department of education.

36 14 Sec. 47. Section 256.51, subsection 1, unnumbered paragraph
36 15 1, Code 2011, is amended to read as follows:

36 16 The division of ~~libraries and information~~ library services
36 17 is established within attached to the department of education
36 18 for administrative purposes. The state librarian shall be
36 19 responsible for the division's budgeting and related management
36 20 functions in accordance section 256.52, subsection 3. The

36 21 division shall do all of the following:

36 22 Sec. 48. Section 256.51, subsection 1, Code 2011, is amended
36 23 by adding the following new paragraphs:

36 24 NEW PARAGRAPH. 0a. Provide support services to libraries,
36 25 including but not limited to consulting, continuing education,
36 26 interlibrary loan services, and references services to assure
36 27 consistency of service statewide and to encourage local
36 28 financial support for library services.

36 29 NEW PARAGRAPH. 1. Allow a public library that receives
36 30 state assistance under section 256.57, or financial support
36 31 from a city or county pursuant to section 256.69, to dispose
36 32 of, through sale, conveyance, or exchange, any library
36 33 materials that may be obsolete or worn out or that may no
36 34 longer be needed or appropriate to the mission of the public
36 35 library. These materials may be sold by the public library



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37 1 directly or the governing body of the public library may
37 2 sell the materials by consignment to a public agency or to
37 3 a private agency organized to raise funds solely for support
37 4 of the public library. Proceeds from the sale of the library
37 5 materials may be remitted to the public library and may be
37 6 used by the public library for the purchase of books and other
37 7 library materials or equipment, or for the provision of library
37 8 services.

37 9 Sec. 49. Section 256.51, subsection 1, paragraph d, Code
37 10 2011, is amended to read as follows:

37 11 d. Develop, in consultation with the ~~library service areas~~
~~37 12 and the area education agency media centers~~, a biennial unified
37 13 plan of service and service delivery for the division of
37 14 ~~libraries and information~~ library services.

37 15 Sec. 50. Section 256.51, subsection 1, paragraph j, Code
37 16 2011, is amended to read as follows:

37 17 j. Establish and administer standards for state agency
37 18 libraries, ~~the library service areas~~, and public libraries.

37 19 Sec. 51. Section 256.51, subsection 1, paragraph k, Code
37 20 2011, is amended by striking the paragraph.

37 21 Sec. 52. Section 256.51, subsection 2, paragraph c, Code
37 22 2011, is amended to read as follows:

37 23 c. Accept gifts, contributions, bequests, endowments,
37 24 or other moneys, including but not limited to the Westgate
37 25 endowment fund, for any or all purposes of the division.
37 26 Interest earned on moneys accepted under this paragraph
37 27 shall be credited to the fund or funds to which the gifts,
37 28 contributions, bequests, endowments, or other moneys have been
37 29 deposited, and is available for any or all purposes of the
37 30 division. The division shall report annually to the ~~director~~
~~37 31 commission~~ and the general assembly regarding the gifts,
37 32 contributions, bequests, endowments, or other moneys accepted
37 33 pursuant to this paragraph and the interest earned on them.

37 34 Sec. 53. Section 256.52, subsection 1, Code 2011, is amended
37 35 to read as follows:



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38 1 1. a. The state commission of libraries consists of one
38 2 member appointed by the supreme court, the director of the
38 3 department of education, or the director's designee, and ~~six~~
~~38 4 the following seven members who shall be appointed by the~~
38 5 governor to serve four-year terms beginning and ending as
38 6 provided in section 69.19. ~~The governor's appointees shall~~
38 7 (1) Two members shall be employed in the state as public
38 8 librarians.
38 9 (2) One member shall be a public library trustee.
38 10 (3) One member shall be employed in this state as an
38 11 academic librarian.
38 12 (4) One member shall be employed as a librarian by a school
38 13 district or area education agency.
38 14 (5) Two members shall be selected at large.
38 15 b. The members shall be reimbursed for their actual
38 16 expenditures necessitated by their official duties. Members
38 17 may also be eligible for compensation as provided in section
38 18 7E.6.
38 19 Sec. 54. Section 256.52, subsection 3, paragraph b,
38 20 subparagraphs (1) and (4), Code 2011, are amended to read as
38 21 follows:
38 22 (1) ~~Direct and organize the activities of~~ Organize, staff,
38 23 and administer the division so as to render the greatest
38 24 benefit to libraries in the state.
38 25 (4) Appoint and approve the technical, professional,
38 26 ~~excepting the law librarian,~~ secretarial, and clerical staff
38 27 necessary to accomplish the purposes of the division subject
38 28 to chapter 8A, subchapter IV.
38 29 Sec. 55. Section 256.52, subsection 3, paragraph b, Code
38 30 2011, is amended by adding the following new subparagraph:
38 31 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding
38 32 obligations of the library service areas and be liable for
38 33 and recognize, assume, and carry out all valid contracts and
38 34 obligations of the library service areas that are consolidated
38 35 under the commission and administered by the division effective



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39 1 beginning July 1, 2011. Each library service area shall
39 2 transfer, prior to July 1, 2011, its state=funded assets and
39 3 title to any state=funded real estate owned by the library
39 4 service area to the state librarian.
39 5 (b) This subparagraph is repealed July 1, 2015.
39 6 Sec. 56. Section 256.52, subsection 5, Code 2011, is amended
39 7 to read as follows:
39 8 5. The commission shall receive and approve the budget and
39 9 unified plan of service submitted by the division ~~of libraries~~
~~39 10 and information services.~~
39 11 Sec. 57. Section 256.54, subsection 1, Code 2011, is amended
39 12 to read as follows:
39 13 1. The state library includes but is not limited to ~~a law~~
~~39 14 library~~ the library support network, the specialized library
39 15 services unit, and the state data center. The law library
39 16 shall be under the direction of the specialized library
39 17 services unit.
39 18 Sec. 58. Section 256.54, subsection 2, unnumbered paragraph
39 19 1, Code 2011, is amended to read as follows:
39 20 The law library shall be administered by a law librarian
39 21 appointed by the ~~director~~ state librarian subject to chapter
39 22 8A, subchapter IV, who shall do all of the following:
39 23 Sec. 59. Section 256.55, unnumbered paragraph 1, Code 2011,
39 24 is amended to read as follows:
39 25 A state data center is established in the ~~department~~
~~39 26 of education division.~~ The state data center shall be
39 27 administered by the state data center coordinator, who shall
39 28 do all of the following:
39 29 Sec. 60. NEW SECTION. 256.58 Library support network.
39 30 1. A library support network is established in the division
39 31 to offer services and programs for libraries, including but not
39 32 limited to individualized, locally delivered consulting and
39 33 training, and to facilitate resource sharing and innovation
39 34 through the use of technology, administer enrich Iowa programs,
39 35 advocate for libraries, promote excellence and innovation



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40 1 in library services, encourage governmental subdivisions to
40 2 provide local financial support for local libraries, and ensure
40 3 the consistent availability of quality service to all libraries
40 4 throughout the state, regardless of location or size.

40 5 2. The organizational structure to deliver library support
40 6 network services shall include district offices. The district
40 7 offices shall serve as a basis for providing field services
40 8 to local libraries in the counties comprising the district.
40 9 The division shall determine which counties are served by each
40 10 district office.

40 11 Sec. 61. NEW SECTION. 256.59 Specialized library services.

40 12 The specialized library services unit is established in the
40 13 division to provide information services to the three branches
40 14 of state government and to offer focused information services
40 15 to the general public in the areas of Iowa law, Iowa state
40 16 documents, and Iowa history and culture.

40 17 Sec. 62. NEW SECTION. 256.62 Library services advisory
40 18 panel.

40 19 1. The state librarian shall convene a library services
40 20 advisory panel to advise and recommend to the commission and
40 21 the division evidence-based best practices, to assist the
40 22 commission and division to determine service priorities and
40 23 launch programs, articulate the needs and interests of Iowa
40 24 librarians, and share research and professional development
40 25 information.

40 26 2. The library services advisory panel shall consist of no
40 27 fewer than eleven members representing libraries of all sizes
40 28 and types, and various population levels and geographic regions
40 29 of the state. A simple majority of the members appointed
40 30 shall be appointed by the executive board of the Iowa library
40 31 association and the remaining members shall be appointed by
40 32 the state librarian. Terms of members shall begin and end
40 33 as provided in section 69.19. Any vacancy shall be filled
40 34 in the same manner as regular appointments are made for the
40 35 unexpired portion of the regular term. Members shall serve



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41 1 four-year terms which are staggered at the discretion of the
41 2 state librarian. A member is eligible for reappointment for
41 3 three successive terms. The members shall elect a chairperson
41 4 annually.

41 5 3. The library services advisory panel shall meet at least
41 6 twice annually and shall submit its recommendations in a
41 7 report to the commission and the state librarian at least once
41 8 annually. The report shall be timely submitted to allow for
41 9 consideration of the recommendations prior to program planning
41 10 and budgeting for the following fiscal year.

41 11 4. Members of the library services advisory panel shall
41 12 receive actual and necessary expenses incurred in the
41 13 performance of their duties. Expenses shall be paid from funds
41 14 appropriated to the department for purposes of the division.

41 15 Sec. 63. Section 256.70, unnumbered paragraph 1, Code 2011,
41 16 is amended to read as follows:

41 17 The division of ~~libraries and information~~ library services
41 18 of the department of education is hereby authorized to enter
41 19 into interstate library compacts on behalf of the state of Iowa
41 20 with any state bordering on Iowa which legally joins therein
41 21 in substantially the following form and the contracting states
41 22 agree that:

41 23 Sec. 64. Section 256.71, Code 2011, is amended to read as
41 24 follows:

41 25 256.71 Administrator.

41 26 The administrator of the division of ~~libraries and~~
41 27 ~~information~~ library services shall be the compact
41 28 administrator. The compact administrator shall receive copies
41 29 of all agreements entered into by the state or its political
41 30 subdivisions and other states or political subdivisions;
41 31 consult with, advise and aid such governmental units in the
41 32 formulation of such agreements; make such recommendations to
41 33 the governor, legislature, governmental agencies and units as
41 34 the administrator deems desirable to effectuate the purposes
41 35 of this compact and consult and ~~co-operate~~ cooperate with the



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42 1 compact administrators of other party states.

42 2 Sec. 65. Section 273.2, subsection 4, Code 2011, is amended
42 3 to read as follows:

42 4 4. The area education agency board shall provide for special
42 5 education services and media services for the local school
42 6 districts in the area and shall encourage and assist school
42 7 districts in the area to establish programs for gifted and
42 8 talented children. The board shall assist in facilitating
42 9 interlibrary loans of materials between school districts and
42 10 other libraries. ~~Each area education agency shall include~~

~~42 11 as a member of its media center advisory committee a library
42 12 service area trustee or library service area staff member, who
42 13 is appointed to the committee by the commission of libraries.~~

42 14 Sec. 66. Section 669.2, subsection 5, Code 2011, is amended
42 15 to read as follows:

42 16 5. "State agency" includes all executive departments,
42 17 agencies, boards, bureaus, and commissions of the state of
42 18 Iowa, and corporations whose primary function is to act as, and
42 19 while acting as, instrumentalities or agencies of the state of
42 20 Iowa, whether or not authorized to sue and be sued in their
42 21 own names. This definition does not include a contractor with
42 22 the state of Iowa. Soil and water conservation districts
42 23 as defined in section 161A.3, subsection 6, and judicial
42 24 district departments of correctional services as established in
42 25 section 905.2, ~~and library service area boards of trustees as~~
~~42 26 established in chapter 256~~ are state agencies for purposes of
42 27 this chapter.

42 28 Sec. 67. Section 904.601, unnumbered paragraph 1, Code
42 29 2011, is amended to read as follows:

42 30 The director shall keep the following record of every person
42 31 committed to any of the department's institutions: Name,
42 32 residence, sex, age, place of birth, occupation, civil
42 33 condition, date of entrance or commitment, date of discharge,
42 34 whether a discharge is final, condition of the person when
42 35 discharged, the name of the institutions from which and to



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43 1 which the person has been transferred, and if the person is
43 2 dead, the date and cause of death. The director may permit
43 3 the division of ~~libraries and information~~ library services of
43 4 the department of education and the historical division of
43 5 the department of cultural affairs to copy or reproduce by
43 6 any photographic, photostatic, microfilm, microcard, or other
43 7 process which accurately reproduces in a durable medium and to
43 8 destroy in the manner described by law the records of inmates
43 9 required by this paragraph.

43 10 Sec. 68. REPEAL. Sections 256.60, 256.61, 256.66 through
43 11 256.68, Code 2011, are repealed.

43 12 Sec. 69. TRANSITION PROVISION. A governor's appointee
43 13 serving on the state commission of libraries on the effective
43 14 date of this Act shall continue to serve as a member of the
43 15 commission until the appointee's term expires.

43 16 Sec. 70. LIBRARY SERVICE AREA EMPLOYEES ==== LENGTH OF SERVICE
43 17 ==== TRANSFER OF PERSONNEL RECORDS.

43 18 1. The length of service of a permanent employee of a
43 19 library service area who is employed by a library service area
43 20 on June 30, 2011, and who is hired by the division of library
43 21 services on or after July 1, 2011, shall be prorated and
43 22 credited as state employment service for purposes of vacation
43 23 and sick leave accrual.

43 24 2. The area administrator of each library service area
43 25 shall submit to the division of library services the personnel
43 26 records of each permanent full-time employee of the library
43 27 service area by July 1, 2011.

43 28 Sec. 71. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
43 29 APPLICABILITY. The section of this division of this Act
43 30 enacting section 256.52, subsection 3, paragraph "b",
43 31 subparagraph (4A), being deemed of immediate importance, takes
43 32 effect upon enactment, and if approved by the governor on or
43 33 after July 1, 2011, shall apply retroactively to June 30, 2011.

43 34 DIVISION III

43 35 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM



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44 1 Sec. 72. Section 260C.18A, subsection 2, Code 2011, is
44 2 amended by adding the following new paragraphs:
44 3 NEW PARAGRAPH. g. Development and implementation of
44 4 pathways for academic career and employment programs under
44 5 chapter 260H.
44 6 NEW PARAGRAPH. h. Development and implementation of
44 7 programs for the gap tuition assistance program under chapter
44 8 260I.
44 9 NEW PARAGRAPH. i. Entrepreneurial education, small business
44 10 assistance, and business incubators.
44 11 Sec. 73. NEW SECTION. 260H.1 Title.
44 12 This chapter shall be known and may be cited as the "Pathways
44 13 for Academic Career and Employment Act".
44 14 Sec. 74. NEW SECTION. 260H.2 Pathways for academic career
44 15 and employment program.
44 16 A pathways for academic career and employment program is
44 17 established to provide funding to community colleges for the
44 18 development of projects in coordination with the department
44 19 of economic development, the department of education, Iowa
44 20 workforce development, regional advisory boards established
44 21 pursuant to section 84A.4, and community partners to implement
44 22 a simplified, streamlined, and comprehensive process,
44 23 along with customized support services, to enable eligible
44 24 participants to acquire effective academic and employment
44 25 training to secure gainful, quality, in-state employment.
44 26 Sec. 75. NEW SECTION. 260H.3 Eligibility criteria.
44 27 1. Projects eligible for funding for the pathways for
44 28 academic career and employment program shall be projects that
44 29 further the ability of members of target populations to secure
44 30 gainful, quality employment. For the purposes of this chapter,
44 31 "target population" includes:
44 32 a. Persons deemed low skilled for the purposes of attaining
44 33 gainful, quality, in-state employment.
44 34 b. Persons earning incomes at or below two hundred percent
44 35 of the federal poverty level as defined by the most recently



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45 1 revised poverty income guidelines published by the United
45 2 States department of health and human services.
45 3 c. Unemployed persons.
45 4 d. Underemployed persons.
45 5 e. Dislocated workers, including workers eligible for
45 6 services and benefits under the federal Trade Adjustment Act of
45 7 2002, Pub. L. No. 107=210, as determined by the department of
45 8 workforce development and the federal internal revenue service.
45 9 2. Projects eligible for funding for the pathways for
45 10 academic career and employment program shall be projects that
45 11 further partnerships that link the community colleges to
45 12 industry and nonprofit organizations and projects that further
45 13 program outcomes as provided in section 260H.4.
45 14 Sec. 76. NEW SECTION. 260H.4 Program outcomes.
45 15 Projects eligible for funding for the pathways for academic
45 16 career and employment program shall be programs which further
45 17 the following program outcomes:
45 18 1. Enabling the target populations to:
45 19 a. Acquire and demonstrate competency in basic skills.
45 20 b. Acquire and demonstrate competency in a specified
45 21 technical field.
45 22 c. Complete a specified level of postsecondary education.
45 23 d. Earn a national career readiness certificate.
45 24 e. Obtain employer=validated credentials.
45 25 f. Secure gainful employment in high=quality, local jobs.
45 26 2. Satisfaction of economic and employment goals including
45 27 but not limited to:
45 28 a. Economic and workforce development requirements in each
45 29 region served by the community colleges as defined by regional
45 30 advisory boards established pursuant to section 84A.4.
45 31 b. Needs of industry partners in areas including but not
45 32 limited to:
45 33 (1) Information technology.
45 34 (2) Health care.
45 35 (3) Advanced manufacturing.



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46 1 (4) Transportation and logistics.
46 2 c. Any other industry designated as in=demand by a regional
46 3 advisory board established pursuant to section 84A.4.
46 4 Sec. 77. NEW SECTION. 260H.5 Program component
46 5 requirements.
46 6 Program components of a pathways for academic career and
46 7 employment project implemented at a community college shall:
46 8 1. Include measurable and effective recruitment,
46 9 assessment, and referral activities designed for the target
46 10 populations.
46 11 2. Integrate basics skills and work=readiness training with
46 12 occupational skills training.
46 13 3. Combine customized supportive and case management
46 14 services with training services to help participants overcome
46 15 barriers to employment.
46 16 4. Provide training services at times, locations, and
46 17 through multiple, flexible modalities that are easily
46 18 understood and readily accessible to the target populations.
46 19 Such modalities shall support timeless entry, individualized
46 20 learning, and flexible scheduling, and may include online
46 21 remediation, learning lab and cohort learning communities,
46 22 tutoring, and modularization.
46 23 Sec. 78. NEW SECTION. 260H.6 Pipeline program.
46 24 Each community college receiving funding for the pathways
46 25 for academic career and employment program shall develop
46 26 a pipeline program in order to better serve the academic,
46 27 training, and employment needs of the target populations. A
46 28 pipeline program shall have the following goals:
46 29 1. To strengthen partnerships with community=based
46 30 organizations and industry representatives.
46 31 2. To improve and simplify the identification, recruitment,
46 32 and assessment of qualified participants.
46 33 3. To conduct and manage an outreach, recruitment, and
46 34 intake process, along with accompanying support services,
46 35 reflecting sensitivity to the time and financial constraints



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47 1 and remediation needs of the target populations.

47 2 4. To conduct orientations for qualified participants

47 3 to describe regional labor market opportunities, employer

47 4 partners, and program requirements and expectations.

47 5 5. To describe the concepts of the project implemented with

47 6 funds from the pathways for academic career and employment

47 7 program and the embedded educational and support resources

47 8 available through such project.

47 9 6. To outline the basic skills participants will learn and

47 10 describe the credentials participants will earn.

47 11 7. To describe success milestones and ways in which temporal

47 12 and instructional barriers have been minimized or eliminated.

47 13 8. To review how individualized and customized service

47 14 strategies for participants will be developed and provided.

47 15 Sec. 79. NEW SECTION. 260H.7 Career pathways and bridge

47 16 curriculum development program.

47 17 Each community college receiving funding for the pathways

47 18 for academic career and employment program shall develop a

47 19 career pathways and bridge curriculum development program in

47 20 order to better serve the academic, training, and employment

47 21 needs of the target populations. A career pathways and bridge

47 22 curriculum development program shall have the following goals:

47 23 1. The articulation of courses and modules, the mapping of

47 24 programs within career pathways, and establishment of bridges

47 25 between credit and noncredit programs.

47 26 2. The integration and contextualization of basic skills

47 27 education and skills training. This process shall provide for

47 28 seamless progressions between adult basic education and general

47 29 education development programs and continuing education and

47 30 credit certificate, diploma, and degree programs.

47 31 3. The development of career pathways that support the

47 32 attainment of industry-recognized credentials, diplomas, and

47 33 degrees through stackable, modularized program delivery.

47 34 Sec. 80. NEW SECTION. 260H.8 Rules.

47 35 The department of education, in consultation with the



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48 1 community colleges, the department of economic development,
48 2 and Iowa workforce development, shall adopt rules pursuant to
48 3 chapter 17A and this chapter to implement the provisions of
48 4 this chapter. Regional advisory boards established pursuant
48 5 to section 84A.4 shall be consulted in the development and
48 6 implementation of rules to be adopted pursuant to this chapter.

48 7 Sec. 81. NEW SECTION. 260I.1 Title.

48 8 This chapter shall be known and may be cited as the "Gap
48 9 Tuition Assistance Act".

48 10 Sec. 82. NEW SECTION. 260I.2 Gap tuition assistance
48 11 program.

48 12 A gap tuition assistance program is established to provide
48 13 funding to community colleges for need-based tuition assistance
48 14 to applicants to enable completion of continuing education
48 15 certificate training programs for in-demand occupations.

48 16 Sec. 83. NEW SECTION. 260I.3 Applicants for tuition
48 17 assistance ==== eligibility criteria.

48 18 1. The department of education, in consultation with the
48 19 department of economic development, shall adopt rules pursuant
48 20 to this chapter defining eligibility criteria for persons
48 21 applying to receive tuition assistance under this chapter.

48 22 2. Eligibility for tuition assistance under this chapter
48 23 shall be based on financial need. Criteria to be assessed in
48 24 determining financial need shall include but is not limited to:

48 25 a. The applicant's family income for the twelve months prior
48 26 to the date of application.

48 27 b. The applicant's family size.

48 28 c. The applicant's county of residence.

48 29 3. a. An applicant for tuition assistance under this
48 30 chapter must have a demonstrated capacity to achieve the
48 31 following outcomes:

48 32 (1) The ability to complete an eligible certificate
48 33 program.

48 34 (2) The ability to enter a postsecondary certificate,
48 35 diploma, or degree program for credit.



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49 1 (3) The ability to gain full-time employment.
49 2 (4) The ability to maintain full-time employment over time.
49 3 b. The community college receiving the application shall
49 4 only approve an applicant for tuition assistance under this
49 5 chapter if the community college determines the applicant
49 6 has a strong likelihood of achieving the outcomes described
49 7 in paragraph "a" after considering factors including but not
49 8 limited to:
49 9 (1) Barriers that may prevent an applicant from completing
49 10 the certificate program.
49 11 (2) Barriers that may prevent an applicant from gaining
49 12 employment in an in-demand occupation.
49 13 4. Applicants may be found eligible for partial or total
49 14 tuition assistance.
49 15 5. Tuition assistance shall not be approved when the
49 16 community college receiving the application determines that
49 17 funding for an applicant's participation in an eligible
49 18 certificate program is available from any other public or
49 19 private funding source.
49 20 Sec. 84. NEW SECTION. 260I.4 Applicants for tuition
49 21 assistance ==== additional provisions.
49 22 1. An applicant for tuition assistance under this
49 23 chapter shall provide to the community college receiving the
49 24 application documentation of all sources of income.
49 25 2. Only an applicant eligible to work in the United States
49 26 shall be approved for tuition assistance under this chapter.
49 27 3. An application shall be valid for six months from the
49 28 date of signature on the application.
49 29 4. A person shall not be approved for tuition assistance
49 30 under this chapter for more than one eligible certificate
49 31 program.
49 32 5. Eligibility for tuition assistance under this chapter
49 33 shall not be construed to guarantee enrollment in any community
49 34 college certificate program.
49 35 6. Eligibility for tuition assistance under this chapter



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50 1 shall be limited to persons earning incomes at or below two
50 2 hundred percent of the federal poverty level as defined by the
50 3 most recently revised poverty income guidelines published by
50 4 the United States department of health and human services.
50 5 Sec. 85. NEW SECTION. 260I.5 Eligible costs.
50 6 Costs of a certificate program eligible for coverage by
50 7 tuition assistance shall include but are not limited to:
50 8 1. Tuition.
50 9 2. Direct training costs.
50 10 3. Required books and equipment.
50 11 4. Fees including but not limited to fees for industry
50 12 testing services and background check testing services.
50 13 Sec. 86. NEW SECTION. 260I.6 Eligible certificate programs.
50 14 For the purposes of this chapter, "eligible certificate
50 15 program" means a program meeting all of the following criteria:
50 16 1. The program is not offered for credit, but is aligned
50 17 with a certificate, diploma, or degree for credit, and does any
50 18 of the following:
50 19 a. Offers a state, national, or locally recognized
50 20 certificate.
50 21 b. Offers preparation for a professional examination or
50 22 licensure.
50 23 c. Provides endorsement for an existing credential or
50 24 license.
50 25 d. Represents recognized skill standards defined by an
50 26 industrial sector.
50 27 e. Offers a similar credential or training.
50 28 2. The program offers training or a credential in an
50 29 in=demand occupation. For the purposes of this chapter,
50 30 "in=demand occupation" includes occupations in the following
50 31 industries:
50 32 a. Information technology.
50 33 b. Health care.
50 34 c. Advanced manufacturing.
50 35 d. Transportation and logistics.



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51 1 e. Any other industry designated as in=demand by a regional
51 2 advisory board established pursuant to section 84A.4.

51 3 Sec. 87. NEW SECTION. 260I.7 Initial assessment.

51 4 An applicant for tuition assistance under this chapter shall
51 5 complete an initial assessment administered by the community
51 6 college receiving the application to determine the applicant's
51 7 readiness to complete an eligible certificate program. The
51 8 assessment shall include assessments for completion of a
51 9 national career readiness certificate, including the areas of
51 10 reading for information, applied mathematics, and locating
51 11 information. An applicant must achieve a bronze=level
51 12 certificate or the minimum score required for an eligible
51 13 certificate program, whichever is higher, in order to be
51 14 approved for tuition assistance. An applicant shall complete
51 15 any additional assessments and occupational research required
51 16 by an eligible certificate program.

51 17 Sec. 88. NEW SECTION. 260I.8 Program interview.

51 18 An applicant for tuition assistance under this chapter shall
51 19 meet with a member of the staff for an eligible certificate
51 20 program offered by the community college receiving the
51 21 application. The staff member shall discuss the relevant
51 22 industry, any applicable occupational research, and any
51 23 applicable training relating to the eligible certificate
51 24 program. The discussion shall include an evaluation of
51 25 the applicant's capabilities, needs, family situation, work
51 26 history, educational background, attitude and motivation,
51 27 employment skills, vocational potential, and employment
51 28 barriers. The discussion shall also include potential start
51 29 dates, support needs, and other requirements for an eligible
51 30 certificate program.

51 31 Sec. 89. NEW SECTION. 260I.9 Participation requirements.

51 32 1. A participant in an eligible certificate program who
51 33 receives tuition assistance pursuant to this chapter shall do
51 34 all of the following:

51 35 a. Maintain regular contact with staff members for the



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52 1 certificate program to document the applicant's progress in the
52 2 program.

52 3 b. Sign a release form to provide relevant information to
52 4 community college faculty or case managers.

52 5 c. Discuss with staff members for the certificate program
52 6 any issues that may impact the participant's ability to
52 7 complete the certificate program, obtain employment, and
52 8 maintain employment over time.

52 9 d. Attend all required courses regularly.

52 10 e. Meet with staff members for the certificate program to
52 11 develop a job search plan.

52 12 2. A community college may terminate tuition assistance
52 13 for a participant who fails to meet the requirements of this
52 14 section.

52 15 Sec. 90. NEW SECTION. 260I.10 Oversight.

52 16 1. The department of education, in coordination with the
52 17 community colleges, shall establish a steering committee. The
52 18 steering committee shall determine if the performance measures
52 19 of the gap tuition assistance program are being met and shall
52 20 take necessary steps to correct any deficiencies. The steering
52 21 committee shall meet at least quarterly to evaluate and monitor
52 22 the performance of the gap tuition assistance program.

52 23 2. The department of education, in coordination with the
52 24 community colleges, shall develop a common intake tracking
52 25 system that shall be implemented consistently by each
52 26 participating community college.

52 27 3. The department of education shall coordinate statewide
52 28 oversight, evaluation, and reporting efforts for the gap
52 29 tuition assistance program.

52 30 Sec. 91. NEW SECTION. 260I.11 Rules.

52 31 The department of education, in consultation with the
52 32 department of economic development and the community colleges,
52 33 shall adopt rules pursuant to chapter 17A and this chapter to
52 34 implement the provisions of this chapter.

52 35 DIVISION IV



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53 1 ORGANIZATIONS REPRESENTING SCHOOL BOARDS,
53 2 MEMBERS, AND ADMINISTRATORS
53 3 Sec. 92. Section 279.38, Code 2011, is amended by striking
53 4 the section and inserting in lieu thereof the following:
53 5 279.38 Membership in organizations ==== requirements.
53 6 1. As used in this section:
53 7 a. "Compensation" means the same as defined in section 8F.2,
53 8 subsection 2.
53 9 b. "Organization" means a local, state, regional, or
53 10 national organization which relates to the functions of
53 11 the board of directors of a school district or to the
53 12 administrators of a school district and to which a school board
53 13 pays monetary fees for products or services or annual dues in
53 14 accordance with subsection 2. "Organization" includes a related
53 15 for=profit or not=for=profit subsidiary of an organization.
53 16 2. a. The board of directors of a school district, the
53 17 duly elected members of the school board, and designated
53 18 administrators of school districts may join or participate in
53 19 organizations, including but not limited to organizations such
53 20 as the Iowa association of school boards, the urban education
53 21 network, Iowa school finance information services, and the
53 22 school administrators of Iowa. The school board may pay out
53 23 of funds available to the school board reasonable monetary
53 24 fees for products or services or annual dues for membership of
53 25 the school board, or a board member or administrator, in such
53 26 an organization. Such an organization that receives fees or
53 27 dues for membership from a school board shall be considered a
53 28 taxpayer=funded organization.
53 29 b. Each school board that pays monetary fees or annual dues
53 30 to an organization shall annually report to the local community
53 31 and to the department of education the amount paid in annual
53 32 dues, fees, or assessments for products or services received
53 33 from the organization, and the total amount of any revenue
53 34 or dividend payments received from the organization. The
53 35 information shall be submitted to the department electronically



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54 1 in the format specified by the department.
54 2 3. The financial condition and transactions of an
54 3 organization shall be audited as provided in section 11.6.
54 4 The organization shall establish an audit committee to review
54 5 the financial condition and transactions of the organization
54 6 and the report of examination conducted in accordance with
54 7 this subsection. The auditor conducting an examination in
54 8 accordance with this subsection shall have full access to the
54 9 audit committee and to all of the organization's records,
54 10 reports, audits, tax reports, and all other documents and
54 11 papers issued or maintained by the organization.
54 12 4. An organization shall do all of the following:
54 13 a. Publish annually on its internet site, and in a report
54 14 submitted annually to the department of education, the standing
54 15 committees on government oversight, and the general assembly,
54 16 all of the following:
54 17 (1) A listing of the school districts that pay fees or dues
54 18 for membership in the organization and the moneys paid by each
54 19 school district.
54 20 (2) The total revenue the organization receives from each
54 21 school district resulting from the payment of monetary fees or
54 22 annual dues, and the total net profit from the sale of products
54 23 and services to the school district by the organization.
54 24 (3) An accounting, broken down by individual employee,
54 25 of the total amount of moneys expended for reimbursement of
54 26 expenses incurred by and compensation paid to each of the ten
54 27 highest paid employees of the organization as evidenced by the
54 28 tax forms submitted by the organization to the internal revenue
54 29 service.
54 30 (4) An accounting of all moneys expended for reimbursement
54 31 of expenses incurred by and compensation paid to all
54 32 legislative representatives and lobbyists of the organization.
54 33 b. Submit to the general assembly and the standing committee
54 34 on government oversight copies of all reports the organization
54 35 provides to the United States department of education relating



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55 1 to federal grants and grant amounts that the organization
55 2 administers or distributes to school districts.
55 3 c. Provide education and training to the organization's
55 4 board members in the fiduciary duties and legal
55 5 responsibilities of members.
55 6 5. An organization shall not pay an employee or officer
55 7 of the organization, a member of the organization's governing
55 8 board, or a legislative representative or lobbyist for the
55 9 organization, a bonus or other consideration of any type which
55 10 is in addition to compensation paid and published and reported
55 11 as required by subsection 4. In addition, the organization
55 12 shall not allow any other entity to pay an employee or
55 13 officer of the organization, a member of the organization's
55 14 governing board, or a legislative representative or lobbyist
55 15 for the organization for services performed on behalf of the
55 16 organization. However, the organization may pay an employee
55 17 a commission if the terms for paying the commission are in
55 18 writing under an agreement which is a public document and the
55 19 employee's compensation, which shall list the amount of the
55 20 commission, is published and reported in the same manner as
55 21 provided in subsection 4.
55 22 6. a. A person who serves as the head of an organization
55 23 or otherwise serves in a supervisory capacity within the
55 24 organization shall not require an employee of the organization
55 25 to inform the person that the employee made a disclosure
55 26 of information permitted by this subsection and shall not
55 27 prohibit an employee of the organization from disclosing any
55 28 information to a member of the governing board or to any
55 29 public official, a law enforcement agency, a state agency, the
55 30 auditor of state or an auditor conducting an examination of
55 31 the organization in accordance with section 11.6, the office
55 32 of the attorney general, the office of citizens' aide, or to a
55 33 committee of the general assembly if the employee reasonably
55 34 believes the information evidences a violation of law or rule,
55 35 mismanagement, a gross abuse of funds, an abuse of authority,



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56 1 or a substantial and specific danger to public health or
56 2 safety. However, an employee may be required to inform the
56 3 person that the employee made a disclosure of information
56 4 permitted by this subsection if the employee represented that
56 5 the disclosure was the official position of the employee's
56 6 immediate supervisor or employer.

56 7 b. A person shall not discharge an employee from or take
56 8 or fail to take action regarding an employee's appointment or
56 9 proposed appointment to, promotion or proposed promotion to,
56 10 or any advantage in, a position administered by, or subject
56 11 to approval of, the person or the organization's governing
56 12 board as a reprisal for a failure by that employee to inform
56 13 the person that the employee made a disclosure of information
56 14 permitted by this subsection, or for a disclosure of any
56 15 information by that employee authorized under paragraph "a"
56 16 if the employee reasonably believes the information evidences
56 17 a violation of law or rule, mismanagement, a gross abuse of
56 18 funds, an abuse of authority, or a substantial and specific
56 19 danger to public health or safety. However, an employee may
56 20 be required to inform the person that the employee made a
56 21 disclosure of information permitted by this subsection if the
56 22 employee represented that the disclosure was the official
56 23 position of the employee's immediate supervisor or employer.

56 24 c. Paragraphs "a" and "b" do not apply if the disclosure of
56 25 the information is prohibited by statute.

56 26 d. A person who violates paragraph "a" or "b" commits a
56 27 simple misdemeanor.

56 28 e. Paragraph "b" may be enforced through a civil action.

56 29 (1) A person who violates paragraph "b" is liable to
56 30 an aggrieved employee for affirmative relief including
56 31 reinstatement, with or without back pay, or any other equitable
56 32 relief the court deems appropriate, including attorney fees and
56 33 costs.

56 34 (2) When a person commits, is committing, or proposes to
56 35 commit an act in violation of paragraph "b", an injunction may



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57 1 be granted through an action in district court to prohibit the
57 2 person from continuing such acts. The action for injunctive
57 3 relief may be brought by an aggrieved employee or the attorney
57 4 general.

57 5 f. A person shall not discharge an employee from or take
57 6 or fail to take action regarding an employee's appointment or
57 7 proposed appointment to, promotion or proposed promotion to,
57 8 or any advantage in, a position administered by, or subject
57 9 to approval of, the person or the organization's governing
57 10 board as a reprisal for the employee's declining to participate
57 11 in contributions or donations to charities or community
57 12 organizations.

57 13 g. The person and the organization's governing board
57 14 shall provide procedures for notifying the organization's
57 15 new employees of the provisions of this subsection and shall
57 16 periodically conduct promotional campaigns to provide similar
57 17 information to the organization's employees. The information
57 18 shall include the toll-free telephone number of the citizens'
57 19 aide.

57 20 7. a. Except as otherwise provided in paragraph "b", all
57 21 meetings of the governing board of the organization shall
57 22 comply with the requirements of chapter 21 and all records of
57 23 the governing board and the organization shall be maintained
57 24 in accordance with chapter 22.

57 25 b. The governing board of the organization may keep the
57 26 following records confidential and the governing board may hold
57 27 a closed session meeting to discuss the following matters:

57 28 (1) Personal information in confidential personnel records
57 29 maintained by the governing board of the organization and
57 30 required or authorized to be kept confidential by law.

57 31 (2) Discussions with, or the work product of, an attorney of
57 32 the governing board of the organization required or authorized
57 33 to be kept confidential by law.

57 34 (3) Pricing, product, service, business strategy, or
57 35 marketing information which if released, would give an



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58 1 advantage to competitors, vendors, or other parties and that
58 2 serve no public purpose.

58 3 Sec. 93. REPEAL. Section 279.38A, Code 2011, is repealed.

58 4 Sec. 94. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
58 5 APPLICABILITY. This division of this Act, being deemed of
58 6 immediate importance, takes effect upon enactment, and if
58 7 approved by the governor on or after July 1, 2011, shall apply
58 8 retroactively to June 30, 2011.

58 9 DIVISION V
58 10 FY 2012=2013

58 11 DEPARTMENT FOR THE BLIND

58 12 Sec. 95. ADMINISTRATION. There is appropriated from the
58 13 general fund of the state to the department for the blind for
58 14 the fiscal year beginning July 1, 2012, and ending June 30,
58 15 2013, the following amount, or so much thereof as is necessary,
58 16 to be used for the purposes designated:

58 17 1. For salaries, support, maintenance, miscellaneous
58 18 purposes, and for not more than the following full-time
58 19 equivalent positions:

58 20 \$ 845,908
58 21 FTEs 88.00

58 22 2. For costs associated with universal access to audio
58 23 information over the phone on demand for blind and print
58 24 handicapped Iowans:

58 25 \$ 25,000

58 26 COLLEGE STUDENT AID COMMISSION

58 27 Sec. 96. There is appropriated from the general fund of the
58 28 state to the college student aid commission for the fiscal year
58 29 beginning July 1, 2012, and ending June 30, 2013, the following
58 30 amounts, or so much thereof as may be necessary, to be used for
58 31 the purposes designated:

58 32 1. GENERAL ADMINISTRATION

58 33 For salaries, support, maintenance, miscellaneous purposes,
58 34 and for not more than the following full-time equivalent
58 35 positions:



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59	1	\$	116,471
59	2 FTEs		3.95
59	3	2. STUDENT AID PROGRAMS		
59	4	For payments to students for the Iowa grant program		
59	5	established in section 261.93:		
59	6	.....	\$	395,588
59	7	3. DES MOINES UNIVERSITY ==== HEALTH CARE PROFESSIONAL		
59	8	RECRUITMENT PROGRAM		
59	9	For forgivable loans to Iowa students attending Des Moines		
59	10	university ==== osteopathic medical center under the forgivable		
59	11	loan program pursuant to section 261.19:		
59	12	.....	\$	162,987
59	13	4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM		
59	14	For purposes of providing national guard educational		
59	15	assistance under the program established in section 261.86:		
59	16	.....	\$	1,593,117
59	17	5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM		
59	18	For the teacher shortage loan forgiveness program		
59	19	established in section 261.112:		
59	20	.....	\$	196,226
59	21	6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM		
59	22	For purposes of the all Iowa opportunity foster care grant		
59	23	program established pursuant to section 261.6:		
59	24	.....	\$	277,028
59	25	7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM		
59	26	a. For purposes of the all Iowa opportunity scholarship		
59	27	program established pursuant to section 261.87:		
59	28	.....	\$	1,120,427
59	29	b. If the moneys appropriated by the general assembly to the		
59	30	college student aid commission for fiscal year 2012=2013 for		
59	31	purposes of the all Iowa opportunity scholarship program exceed		
59	32	\$500,000, "eligible institution" as defined in section 261.87,		
59	33	shall, during fiscal year 2012=2013, include accredited private		
59	34	institutions as defined in section 261.9, subsection 1.		
59	35	8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS		



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60 1 PROGRAM
60 2 a. For purposes of the registered nurse and nurse educator
60 3 loan forgiveness program established pursuant to section
60 4 261.23:
60 5 \$ 40,426
60 6 b. It is the intent of the general assembly that the
60 7 commission continue to consider moneys allocated pursuant to
60 8 this subsection as moneys that meet the state matching funds
60 9 requirements of the federal leveraging educational assistance
60 10 program and the federal supplemental leveraging educational
60 11 assistance program established under the Higher Education Act
60 12 of 1965, as amended.
60 13 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT
60 14 PROGRAM
60 15 For purposes of the barber and cosmetology arts and sciences
60 16 tuition grant program established pursuant to section 261.18:
60 17 \$ 18,469
60 18 Sec. 97. IOWA TUITION AND VOCATIONAL=TECHNICAL TUITION
60 19 GRANT APPROPRIATIONS FOR FY 2012=2013. Notwithstanding the
60 20 standing appropriations in the following designated sections
60 21 for the fiscal year beginning July 1, 2012, and ending June 30,
60 22 2013, the amounts appropriated from the general fund of the
60 23 state to the college student aid commission pursuant to these
60 24 sections for the following designated purposes shall not exceed
60 25 the following amounts:
60 26 1. For Iowa tuition grants under section 261.25, subsection
60 27 1:
60 28 \$ 21,176,343
60 29 2. For tuition grants for students attending for-profit
60 30 accredited private institutions located in Iowa under section
60 31 261.25, subsection 2:
60 32 \$ 2,212,622
60 33 3. For vocational=technical tuition grants under section
60 34 261.25, subsection 3:
60 35 \$ 1,125,093



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61 1 Sec. 98. CHIROPRACTIC LOAN FUNDS. Notwithstanding
61 2 section 261.72, the moneys deposited in the chiropractic loan
61 3 revolving fund created pursuant to section 261.72 may be used
61 4 for purposes of the chiropractic loan forgiveness program
61 5 established in section 261.73.

61 6 Sec. 99. WORK=STUDY APPROPRIATION FOR FY
61 7 2012=2013. Notwithstanding section 261.85, for the fiscal year
61 8 beginning July 1, 2012, and ending June 30, 2013, the amount
61 9 appropriated from the general fund of the state to the college
61 10 student aid commission for the work=study program under section
61 11 261.85 shall be zero.

61 12 DEPARTMENT OF EDUCATION

61 13 Sec. 100. There is appropriated from the general fund of
61 14 the state to the department of education for the fiscal year
61 15 beginning July 1, 2012, and ending June 30, 2013, the following
61 16 amounts, or so much thereof as may be necessary, to be used for
61 17 the purposes designated:

61 18 1. GENERAL ADMINISTRATION

61 19 For salaries, support, maintenance, miscellaneous purposes,
61 20 and for not more than the following full=time equivalent
61 21 positions:

61 22 \$ 2,956,906

61 23 FTEs 81.67

61 24 2. VOCATIONAL EDUCATION ADMINISTRATION

61 25 For salaries, support, maintenance, miscellaneous purposes,
61 26 and for not more than the following full=time equivalent
61 27 positions:

61 28 \$ 224,638

61 29 FTEs 11.50

61 30 3. VOCATIONAL REHABILITATION SERVICES DIVISION

61 31 a. For salaries, support, maintenance, miscellaneous
61 32 purposes, and for not more than the following full=time
61 33 equivalent positions:

61 34 \$ 2,481,584

61 35 FTEs 255.00



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62 1 b. For matching funds for programs to enable persons
62 2 with severe physical or mental disabilities to function more
62 3 independently, including salaries and support, and for not more
62 4 than the following full-time equivalent position:
62 5 \$ 19,564
62 6 FTEs 1.00
62 7 c. For the entrepreneurs with disabilities program
62 8 established pursuant to section 259.4, subsection 9:
62 9 \$ 72,768
62 10 d. For costs associated with centers for independent
62 11 living:
62 12 \$ 20,147
62 13 4. STATE LIBRARY
62 14 a. For salaries, support, maintenance, miscellaneous
62 15 purposes, and for not more than the following full-time
62 16 equivalent positions:
62 17 \$ 604,809
62 18 FTEs 17.00
62 19 b. For the enrich Iowa program established under section
62 20 256.57:
62 21 \$ 837,114
62 22 5. LIBRARY SERVICE AREA SYSTEM
62 23 For state aid:
62 24 \$ 502,722
62 25 6. PUBLIC BROADCASTING DIVISION
62 26 For salaries, support, maintenance, capital expenditures,
62 27 miscellaneous purposes, and for not more than the following
62 28 full-time equivalent positions:
62 29 \$ 3,327,011
62 30 FTEs 82.00
62 31 7. REGIONAL TELECOMMUNICATIONS COUNCILS
62 32 For state aid:
62 33 \$ 496,457
62 34 The regional telecommunications councils established
62 35 in section 8D.5 shall use the moneys appropriated in this



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63 1 subsection to provide technical assistance for network
63 2 classrooms, planning and troubleshooting for local area
63 3 networks, scheduling of video sites, and other related support
63 4 activities.
63 5 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
63 6 For reimbursement for vocational education expenditures made
63 7 by secondary schools:
63 8 \$ 1,315,067
63 9 Moneys appropriated in this subsection shall be used
63 10 to reimburse school districts for vocational education
63 11 expenditures made by secondary schools to meet the standards
63 12 set in sections 256.11, 258.4, and 260C.14.
63 13 9. SCHOOL FOOD SERVICE
63 14 For use as state matching funds for federal programs that
63 15 shall be disbursed according to federal regulations, including
63 16 salaries, support, maintenance, miscellaneous purposes, and for
63 17 not more than the following full-time equivalent positions:
63 18 \$ 1,088,399
63 19 FTEs 20.58
63 20 10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID
63 21 For deposit in the school ready children grants account of
63 22 the early childhood Iowa fund created in section 256I.11:
63 23 \$ 2,693,057
63 24 a. From the moneys deposited in the school ready children
63 25 grants account for the fiscal year beginning July 1, 2012, and
63 26 ending June 30, 2013, not more than \$132,975 is allocated for
63 27 the early childhood Iowa office and other technical assistance
63 28 activities. The early childhood Iowa state board shall direct
63 29 staff to work with the early childhood stakeholders alliance
63 30 created in section 256I.12 to inventory technical assistance
63 31 needs. Moneys allocated under this lettered paragraph may be
63 32 used by the early childhood Iowa state board for the purpose of
63 33 skills development and support for ongoing training of staff.
63 34 However, except as otherwise provided in this subsection,
63 35 moneys shall not be used for additional staff or for the



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64 1 reimbursement of staff.

64 2 b. As a condition of receiving moneys appropriated in
64 3 this subsection, each early childhood Iowa area board shall
64 4 report to the early childhood Iowa state board progress on
64 5 each of the local indicators approved by the area board. Each
64 6 early childhood Iowa area board must also submit an annual
64 7 budget for the area's comprehensive school ready children
64 8 grant developed for providing services for children from birth
64 9 through five years of age, and provide other information
64 10 specified by the early childhood Iowa state board, including
64 11 budget amendments as needed. The early childhood Iowa state
64 12 board shall establish a submission deadline for the annual
64 13 budget and any budget amendments that allow a reasonable period
64 14 of time for preparation by the early childhood Iowa area boards
64 15 and for review and approval or request for modification of
64 16 the materials by the early childhood Iowa state board. In
64 17 addition, each early childhood Iowa area board must continue to
64 18 comply with reporting provisions and other requirements adopted
64 19 by the early childhood Iowa state board in implementing section
64 20 256I.9.

64 21 c. Of the amount appropriated in this subsection for
64 22 deposit in the school ready children grants account of the
64 23 early childhood Iowa fund, \$1,159,009 shall be used for efforts
64 24 to improve the quality of early care, health, and education
64 25 programs. Moneys allocated pursuant to this paragraph may be
64 26 used for additional staff and for the reimbursement of staff.
64 27 The early childhood Iowa state board may reserve a portion
64 28 of the allocation, not to exceed \$44,325, for the technical
64 29 assistance expenses of the early childhood Iowa state office,
64 30 including the reimbursement of staff, and shall distribute
64 31 the remainder to early childhood Iowa areas for local quality
64 32 improvement efforts through a methodology identified by the
64 33 early childhood Iowa state board to make the most productive
64 34 use of the funding, which may include use of the distribution
64 35 formula, grants, or other means.



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65 1 d. Of the amount appropriated in this subsection for
65 2 deposit in the school ready children grants account of
65 3 the early childhood Iowa fund, \$412,515 shall be used for
65 4 support of professional development and training activities
65 5 for persons working in early care, health, and education by
65 6 the early childhood Iowa state board in collaboration with
65 7 the professional development component group of the early
65 8 childhood Iowa stakeholders alliance maintained pursuant to
65 9 section 256I.12, subsection 7, paragraph "b", and the early
65 10 childhood Iowa area boards. Expenditures shall be limited to
65 11 professional development and training activities agreed upon by
65 12 the parties participating in the collaboration.

65 13 11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION
65 14 ASSISTANCE

65 15 a. For deposit in the school ready children grants account
65 16 of the early childhood Iowa fund created in section 256I.11:
65 17 \$ 2,468,293

65 18 b. The amount appropriated in this subsection shall be
65 19 used for early care, health, and education programs to assist
65 20 low-income parents with tuition for preschool and other
65 21 supportive services for children ages three, four, and five
65 22 who are not attending kindergarten in order to increase the
65 23 basic family income eligibility requirement to not more than
65 24 200 percent of the federal poverty level. In addition, if
65 25 sufficient funding is available after addressing the needs of
65 26 those who meet the basic income eligibility requirement, an
65 27 early childhood Iowa area board may provide for eligibility
65 28 for those with a family income in excess of the basic income
65 29 eligibility requirement through use of a sliding scale or other
65 30 copayment provisions.

65 31 12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND PARENT
65 32 EDUCATION

65 33 a. For deposit in the school ready children grants account
65 34 of the early childhood Iowa fund created in section 256I.11:
65 35 \$ 6,182,217



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66 1 b. The amount appropriated in this subsection shall be
66 2 used for family support services and parent education programs
66 3 targeted to families expecting a child or with newborn and
66 4 infant children through age five and shall be distributed using
66 5 the distribution formula approved by the early childhood Iowa
66 6 state board and shall be used by an early childhood Iowa area
66 7 board only for family support services and parent education
66 8 programs targeted to families expecting a child or with newborn
66 9 and infant children through age five.

66 10 13. BIRTH TO AGE THREE SERVICES

66 11 For expansion of the federal Individuals with Disabilities
66 12 Education Improvement Act of 2004, Pub. L. No. 108=446, as
66 13 amended to January 1, 2012, birth through age three services
66 14 due to increased numbers of children qualifying for those
66 15 services:

66 16 \$ 860,700

66 17 From the moneys appropriated in this subsection, \$383,769
66 18 shall be allocated to the child health specialty clinic at the
66 19 state university of Iowa to provide additional support for
66 20 infants and toddlers who are born prematurely, drug=exposed, or
66 21 medically fragile.

66 22 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

66 23 To provide moneys for costs of providing textbooks to each
66 24 resident pupil who attends a nonpublic school as authorized by
66 25 section 301.1:

66 26 \$ 280,107

66 27 Funding under this subsection is limited to \$20 per pupil and
66 28 shall not exceed the comparable services offered to resident
66 29 public school pupils.

66 30 15. CORE CURRICULUM AND CAREER INFORMATION AND
66 31 DECISION=MAKING SYSTEM

66 32 For purposes of implementing the statewide core curriculum
66 33 for school districts and accredited nonpublic schools and a
66 34 state=designed career information and decision=making system:

66 35 \$ 500,000



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67 1 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
67 2 For purposes of the student achievement and teacher quality
67 3 program established pursuant to chapter 284, and for not more
67 4 than the following full-time equivalent positions:
67 5 \$ 2,392,500
67 6 FTEs 2.00
67 7 17. COMMUNITY COLLEGES
67 8 a. For general state financial aid to merged areas as
67 9 defined in section 260C.2 in accordance with chapters 258 and
67 10 260C:
67 11 \$ 81,887,324
67 12 The funds appropriated in this subsection shall be allocated
67 13 pursuant to the formula established in section 206C.18C.
67 14 b. For distribution to community colleges to supplement
67 15 faculty salaries:
67 16 \$ 250,000
67 17 c. For deposit in the workforce training and economic
67 18 development funds created pursuant to section 260C.18A:
67 19 \$ 2,500,000
67 20 STATE BOARD OF REGENTS
67 21 Sec. 101. There is appropriated from the general fund of
67 22 the state to the state board of regents for the fiscal year
67 23 beginning July 1, 2012, and ending June 30, 2013, the following
67 24 amounts, or so much thereof as may be necessary, to be used for
67 25 the purposes designated:
67 26 1. OFFICE OF STATE BOARD OF REGENTS
67 27 a. For salaries, support, maintenance, miscellaneous
67 28 purposes, and for not more than the following full-time
67 29 equivalent positions:
67 30 \$ 537,145
67 31 FTEs 15.00
67 32 (1) The state board of regents shall submit a monthly
67 33 financial report in a format agreed upon by the state board of
67 34 regents office and the legislative services agency.
67 35 (2) The state board of regents may transfer funding received



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68 1 under paragraphs "b", "c", and "d" to any of the centers
68 2 specified in paragraph "b", "c", or "d" if the board notifies
68 3 the general assembly in writing, including both the legislative
68 4 council and the legislative services agency, of the amount, the
68 5 date, and the purpose of the transfer.
68 6 b. For moneys to be allocated to the southwest Iowa graduate
68 7 studies center:
68 8 \$ 44,117
68 9 c. For moneys to be allocated to the siouxland interstate
68 10 metropolitan planning council for the tristate graduate center
68 11 under section 262.9, subsection 22:
68 12 \$ 33,591
68 13 d. For moneys to be allocated to the quad=cities graduate
68 14 studies center:
68 15 \$ 65,454
68 16 e. For moneys to be distributed to Iowa public radio for
68 17 public radio operations:
68 18 \$ 197,491
68 19 2. STATE UNIVERSITY OF IOWA
68 20 a. General university, including lakeside laboratory
68 21 For salaries, support, maintenance, equipment, miscellaneous
68 22 purposes, and for not more than the following full=time
68 23 equivalent positions:
68 24 \$105,782,873
68 25 FTEs 5,058.55
68 26 b. Oakdale campus
68 27 For salaries, support, maintenance, miscellaneous purposes,
68 28 and for not more than the following full=time equivalent
68 29 positions:
68 30 \$ 1,102,810
68 31 FTEs 38.25
68 32 c. State hygienic laboratory
68 33 For salaries, support, maintenance, miscellaneous purposes,
68 34 and for not more than the following full=time equivalent
68 35 positions:



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69	1	\$	1,783,774
69	2	FTEs	102.50
69	3	d. Family practice program		
69	4	For allocation by the dean of the college of medicine, with		
69	5	approval of the advisory board, to qualified participants		
69	6	to carry out the provisions of chapter 148D for the family		
69	7	practice program, including salaries and support, and for not		
69	8	more than the following full=time equivalent positions:		
69	9	.....	\$	901,927
69	10	.....	FTEs	190.40
69	11	e. Child health care services		
69	12	For specialized child health care services, including		
69	13	childhood cancer diagnostic and treatment network programs,		
69	14	rural comprehensive care for hemophilia patients, and the		
69	15	Iowa high=risk infant follow=up program, including salaries		
69	16	and support, and for not more than the following full=time		
69	17	equivalent positions:		
69	18	.....	\$	332,602
69	19	.....	FTEs	57.97
69	20	f. Statewide cancer registry		
69	21	For the statewide cancer registry, and for not more than the		
69	22	following full=time equivalent positions:		
69	23	.....	\$	75,175
69	24	.....	FTEs	2.10
69	25	g. Substance abuse consortium		
69	26	For moneys to be allocated to the Iowa consortium for		
69	27	substance abuse research and evaluation, and for not more than		
69	28	the following full=time equivalent position:		
69	29	.....	\$	28,007
69	30	.....	FTEs	1.00
69	31	h. Center for biocatalysis		
69	32	For the center for biocatalysis, and for not more than the		
69	33	following full=time equivalent positions:		
69	34	\$	365,018
69	35	FTEs	6.28



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Senate File 539 - Introduced continued

70 1 i. Primary health care initiative
70 2 For the primary health care initiative in the college
70 3 of medicine, and for not more than the following full=time
70 4 equivalent positions:
70 5 \$ 327,294
70 6 FTEs 5.89
70 7 From the moneys appropriated in this lettered paragraph,
70 8 \$127,444 shall be allocated to the department of family
70 9 practice at the state university of Iowa college of medicine
70 10 for family practice faculty and support staff.
70 11 j. Birth defects registry
70 12 For the birth defects registry, and for not more than the
70 13 following full=time equivalent position:
70 14 \$ 19,311
70 15 FTEs 1.00
70 16 k. Larned A. Waterman Iowa nonprofit resource center
70 17 For the Larned A. Waterman Iowa nonprofit resource center,
70 18 and for not more than the following full=time equivalent
70 19 positions:
70 20 \$ 81,978
70 21 FTEs 2.75
70 22 l. Iowa online advanced placement academy science,
70 23 technology, engineering, and mathematics initiative
70 24 For the establishment of the Iowa online advanced placement
70 25 academy science, technology, engineering, and mathematics
70 26 initiative:
70 27 \$ 243,025
70 28 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
70 29 a. General university
70 30 For salaries, support, maintenance, equipment, miscellaneous
70 31 purposes, and for not more than the following full=time
70 32 equivalent positions:
70 33 \$ 82,888,958
70 34 FTEs 3,647.42
70 35 b. Agricultural experiment station



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Senate File 539 - Introduced continued

71 1 For the agricultural experiment station salaries, support,
71 2 maintenance, miscellaneous purposes, and for not more than the
71 3 following full=time equivalent positions:
71 4 \$ 14,178,474
71 5 FTEs 546.98
71 6 c. Cooperative extension service in agriculture and home
71 7 economics
71 8 For the cooperative extension service in agriculture and
71 9 home economics salaries, support, maintenance, miscellaneous
71 10 purposes, and for not more than the following full=time
71 11 equivalent positions:
71 12 \$ 9,046,545
71 13 FTEs 383.34
71 14 d. Leopold center
71 15 For agricultural research grants at Iowa state university of
71 16 science and technology under section 266.39B, and for not more
71 17 than the following full=time equivalent positions:
71 18 \$ 200,441
71 19 FTEs 11.25
71 20 e. Livestock disease research
71 21 For deposit in and the use of the livestock disease research
71 22 fund under section 267.8:
71 23 \$ 87,176
71 24 4. UNIVERSITY OF NORTHERN IOWA
71 25 a. General university
71 26 For salaries, support, maintenance, equipment, miscellaneous
71 27 purposes, and for not more than the following full=time
71 28 equivalent positions:
71 29 \$ 37,693,051
71 30 FTEs 1,447.50
71 31 b. Recycling and reuse center
71 32 For purposes of the recycling and reuse center, and for not
71 33 more than the following full=time equivalent positions:
71 34 \$ 88,392
71 35 FTEs 3.00



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Senate File 539 - Introduced continued

72 1 c. Science, technology, engineering, and mathematics (STEM)
72 2 collaborative initiative
72 3 For purposes of establishing a science, technology,
72 4 engineering, and mathematics (STEM) collaborative initiative,
72 5 and for not more than the following full=time equivalent
72 6 positions:
72 7 \$ 874,889
72 8 FTEs 6.20
72 9 (1) From the moneys appropriated in this lettered
72 10 paragraph, up to \$141,000 shall be allocated for salaries,
72 11 staffing, and institutional support. The remainder of the
72 12 moneys appropriated in this lettered paragraph shall be
72 13 expended only to support activities directly related to
72 14 recruitment of kindergarten through grade 12 mathematics and
72 15 science teachers and for ongoing mathematics and science
72 16 programming for students enrolled in kindergarten through grade
72 17 12.
72 18 (2) The university of northern Iowa shall work with the
72 19 community colleges to develop STEM professional development
72 20 programs for community college instructors and STEM curriculum
72 21 development.
72 22 d. Real estate education program
72 23 For purposes of the real estate education program, and for
72 24 not more than the following full=time equivalent position:
72 25 \$ 63,197
72 26 FTEs 1.00
72 27 5. STATE SCHOOL FOR THE DEAF
72 28 For salaries, support, maintenance, miscellaneous purposes,
72 29 and for not more than the following full=time equivalent
72 30 positions:
72 31 \$ 4,218,893
72 32 FTEs 126.60
72 33 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
72 34 For salaries, support, maintenance, miscellaneous purposes,
72 35 and for not more than the following full=time equivalent



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Senate File 539 - Introduced continued

73 1 positions:
73 2 \$ 1,811,160
73 3 FTEs 62.87
73 4 7. TUITION AND TRANSPORTATION COSTS
73 5 For payment to local school boards for the tuition and
73 6 transportation costs of students residing in the Iowa braille
73 7 and sight saving school and the state school for the deaf
73 8 pursuant to section 262.43 and for payment of certain clothing,
73 9 prescription, and transportation costs for students at these
73 10 schools pursuant to section 270.5:
73 11 \$ 5,933
73 12 8. LICENSED CLASSROOM TEACHERS
73 13 For distribution at the Iowa braille and sight saving school
73 14 and the Iowa school for the deaf based upon the average yearly
73 15 enrollment at each school as determined by the state board of
73 16 regents:
73 17 \$ 41,382
73 18 Sec. 102. ENERGY COST=SAVINGS PROJECTS ==== FINANCING. For
73 19 the fiscal year beginning July 1, 2012, and ending June 30,
73 20 2013, the state board of regents may use notes, bonds, or
73 21 other evidences of indebtedness issued under section 262.48 to
73 22 finance projects that will result in energy cost savings in an
73 23 amount that will cause the state board to recover the cost of
73 24 the projects within an average of six years.
73 25 Sec. 103. PRESCRIPTION DRUG COSTS. Notwithstanding section
73 26 270.7, the department of administrative services shall pay
73 27 the state school for the deaf and the Iowa braille and sight
73 28 saving school the moneys collected from the counties during the
73 29 fiscal year beginning July 1, 2012, for expenses relating to
73 30 prescription drug costs for students attending the state school
73 31 for the deaf and the Iowa braille and sight saving school.
73 32 DIVISION VI
73 33 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY
73 34 Sec. 104. EFFECTIVE DATE AND RETROACTIVE
73 35 APPLICABILITY. Unless otherwise provided, this Act, if



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Senate File 539 - Introduced continued

74 1 approved by the governor on or after July 1, 2011, takes effect
74 2 upon enactment and applies retroactively to July 1, 2011.

74 3 EXPLANATION

74 4 FY 2011=2012 APPROPRIATIONS. This division of this bill
74 5 appropriates moneys for fiscal year 2011=2012 from the general
74 6 fund of the state to the college student aid commission, the
74 7 department for the blind, the department of education, and the
74 8 state board of regents and its institutions.

74 9 The division appropriates to the department for the blind
74 10 for its administration and for costs for universal access to
74 11 audio information.

74 12 The division includes appropriations to the college student
74 13 aid commission for general administrative purposes, student
74 14 aid programs, loan forgiveness for health care professionals,
74 15 the national guard educational assistance program, the teacher
74 16 shortage loan forgiveness program, the all Iowa opportunity
74 17 foster care grant and scholarship programs, the registered
74 18 nurse loan and nurse educator forgiveness program, and the
74 19 barber and cosmetology arts and sciences tuition grant program.

74 20 The division replaces the osteopathic physician recruitment
74 21 program with a health care professionals recruitment program,
74 22 and eliminates the osteopathic forgivable loan program, the
74 23 match requirement under the program for Des Moines university,
74 24 and the osteopathic tuition scholarship.

74 25 The division makes the children of certain peace officers,
74 26 police officers, sheriffs, and deputy sheriffs who are
74 27 permanently and totally disabled or who are killed in the line
74 28 of duty eligible for all Iowa opportunity foster care grants.

74 29 The division reduces the standing appropriations for Iowa
74 30 tuition and vocational=technical grants and provides that
74 31 a for=profit institution which, effective January 8, 2010,
74 32 purchased an accredited nonprofit private institution, Waldorf
74 33 College, shall be an eligible institution under the tuition
74 34 grant program. The division notwithstanding the \$2.75 million
74 35 standing appropriation for the Iowa work=study program and



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75 1 provides that the amount appropriated for fiscal year 2011=2012
75 2 is zero.

75 3 The division appropriates moneys to the department
75 4 of education for purposes of the department's general
75 5 administration, vocational education administration,
75 6 division of vocational rehabilitation services including
75 7 independent living and the entrepreneurs with disabilities
75 8 program and independent living centers, state library for
75 9 general administration and the enrich Iowa program, library
75 10 service area system, public broadcasting division, regional
75 11 telecommunications councils, vocational education to secondary
75 12 schools, school food service, early childhood Iowa fund,
75 13 expansion of the federal Individuals with Disabilities
75 14 Education Improvement Act birth through age three services,
75 15 textbooks for nonpublic school pupils, the student achievement
75 16 and teacher quality program, and community colleges.

75 17 The division provides for the transfer of moneys from the
75 18 licensing fees collected during FY 2010=2011 by the board
75 19 of educational examiners to the department of education for
75 20 purposes of vocational rehabilitation. The provision takes
75 21 effect upon enactment, and if approved by the governor on or
75 22 after July 1, 2011, applies retroactively to June 30, 2011.

75 23 From the appropriation made to the department of education
75 24 for the 2010=2011 fiscal year for purposes of the student
75 25 achievement and teacher quality program, the division transfers
75 26 specified amounts for purposes of vocational education
75 27 administration, reimbursement for vocational education
75 28 expenditures to secondary schools, and school food service
75 29 for the 2010=2011 fiscal year; and provides that the transfer
75 30 provision takes effect upon enactment, and if approved by the
75 31 governor on or after July 1, 2011, applies retroactively to
75 32 June 30, 2011.

75 33 The division amends statute to authorize area early
75 34 childhood Iowa boards to use grant moneys to pay for regular
75 35 audits, to add that it is the intent of the general assembly



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Senate File 539 - Introduced continued

76 1 that priority for home visitation program funding be given to
76 2 programs using evidence-based or promising models for home
76 3 visitation, to provide students receiving competent private
76 4 instruction with more options for demonstrating proficiency to
76 5 ensure student readiness for postsecondary coursework under
76 6 the senior year plus program eligibility requirements, and
76 7 to change the allocations under the student achievement and
76 8 teacher quality program.

76 9 The division makes statutory changes relating to regional
76 10 academies. Currently, a regional academy is a program
76 11 established by a school district to which multiple school
76 12 districts send students in grades 9 through 12, and which may
76 13 include internet-based coursework and courses delivered via
76 14 the Iowa communications network. The division lowers the
76 15 grade level limit to grades 7 through 12, and adds that a
76 16 school district establishing a regional academy may collaborate
76 17 and partner with, enter into an agreement pursuant to Code
76 18 chapter 28E with, or enter into a contract with, two or more
76 19 school districts, area education agencies, community colleges,
76 20 accredited public and private postsecondary institutions,
76 21 accredited nonpublic schools, businesses, and private agencies
76 22 located within or outside of the state. If a school district
76 23 submits a plan to the department of education for approval
76 24 that demonstrates how it will increase and assess student
76 25 achievement or increase and assess competency-based learning
76 26 opportunities for students, the department may waive or
76 27 modify certain statutory or regulatory provisions applicable
76 28 to school districts in order to provide the regional academy
76 29 additional flexibility. The division strikes language that
76 30 prohibits a regional academy course from qualifying as a
76 31 concurrent enrollment course. A regional academy may include
76 32 in its curriculum virtual or internet-based coursework and
76 33 courses delivered via the Iowa communications network, career
76 34 and technical courses, core curriculum coursework, courses
76 35 required for graduation or under the educational standards, and



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Senate File 539 - Introduced continued

77 1 asynchronous learning networks. Regional academies may receive
77 2 supplementary weighting. The division provides that the school
77 3 districts participating in the regional academy must enter
77 4 into an agreement on how the supplementary weighting received
77 5 shall be used and must submit the agreement to the department
77 6 for approval. The division eliminates an outdated provision
77 7 relating to supplementary weighting for regional academies.
77 8 These provisions take effect July 1, 2012, and are applicable
77 9 to school years beginning on or after that date.

77 10 The division amends statute to permit children to qualify
77 11 for school district home school assistance programs if they
77 12 are school age, rather than compulsory attendance age. The
77 13 division also requires school districts to expend moneys
77 14 received from weighted enrollment of children receiving
77 15 competent private instruction at home on home school assistance
77 16 programs and broadens the acceptable uses of the state
77 17 assistance school districts receive from additional weighting
77 18 for students receiving competent private instruction from
77 19 a licensed practitioner provided through a public school
77 20 district. Funds received for purposes of providing a program,
77 21 under the division, may be used for instructing students; for
77 22 equipment or facility acquisition, including the lease or
77 23 rental of space to supplement existing schoolhouse facilities;
77 24 and for operational, maintenance, or administrative costs other
77 25 than those costs necessary to operate, maintain, and administer
77 26 the program.

77 27 The division appropriates moneys to the state board of
77 28 regents for the board office, universities' general operating
77 29 budgets; the southwest Iowa graduate studies center; the
77 30 siouxland interstate metropolitan planning council; the
77 31 quad=cities graduate studies center; Iowa public radio; the
77 32 state university of Iowa; Iowa state university of science
77 33 and technology; the university of northern Iowa; and for the
77 34 Iowa school for the deaf and the Iowa braille and sight saving
77 35 school, including tuition and transportation costs for students



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Senate File 539 - Introduced continued

78 1 residing in the schools and licensed classroom teachers.
78 2 The division allows the state board of regents to use
78 3 indebtedness to finance certain projects resulting in energy
78 4 savings.
78 5 The division also requires the department of administrative
78 6 services to pay the state school for the deaf and the Iowa
78 7 braille and sight saving school moneys collected from counties
78 8 for expenses related to prescription drug costs for students
78 9 attending the schools.
78 10 The division amends statute to provide that the state board
78 11 of regents may authorize its institutions to commission one or
78 12 more of its employees as peace officers, with the same powers,
78 13 duties, and privileges and immunities as conferred on regular
78 14 peace officers. The bill strikes language that limits these
78 15 powers and duties to actions taken when the officers are acting
78 16 in the interests of the institution.
78 17 The division also establishes within the international
78 18 center for talented and gifted education at the state
78 19 university of Iowa the Iowa online advanced placement academy
78 20 science, technology, engineering, and mathematics (STEM)
78 21 initiative, the purpose of which is to deliver preadvanced
78 22 placement and advanced placement courses to high school
78 23 students throughout the state, provide training opportunities
78 24 for teachers to learn how to teach advanced placement courses
78 25 in Iowa's high schools, and provide preparation for middle
78 26 school students to ensure success in high school.
78 27 LIBRARY PROVISIONS. This division changes the name of the
78 28 division of libraries and information services within the
78 29 department of education to the division of library services;
78 30 establishes that the division is attached to the department
78 31 for administrative purposes only; establishes within the
78 32 division a library support network and a specialized library
78 33 services unit; expands the membership of the commission of
78 34 libraries; directs the state librarian to convene a library
78 35 services advisory panel; and eliminates the library service



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79 1 areas effective July 1, 2011, transfers their duties to the
79 2 division, and directs the state librarian to assume all of the
79 3 outstanding obligations of the library service areas. The
79 4 provision directing each library service area to transfer its
79 5 state=funded assets and title to any state=funded real estate
79 6 it owns to the state librarian takes effect upon enactment, and
79 7 if approved by the governor on or after July 1, 2011, shall
79 8 apply retroactively to June 30, 2011.

79 9 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM. This
79 10 division establishes the pathways for academic career and
79 11 employment program and the gap tuition assistance program.
79 12 The pathways for academic career and employment program
79 13 provides funding to community colleges to develop projects
79 14 in coordination with public and private partners to enable
79 15 participants to acquire academic and employment training and
79 16 to secure gainful, quality, in=state employment in in=demand
79 17 industries. The division sets out eligibility criteria for
79 18 participants and projects, program outcomes, and program
79 19 components.

79 20 The gap tuition assistance program provides funding to
79 21 community colleges for need=based tuition assistance to
79 22 applicants to enable completion of continuing education
79 23 certificate training programs for in=demand occupations. The
79 24 division sets out eligibility criteria for participants and
79 25 certificate training programs. The division sets out program
79 26 components and requirements.

79 27 The division includes the pathways for academic career
79 28 and employment program, the gap tuition assistance program,
79 29 entrepreneurial education, small business assistance, and
79 30 business incubators as eligible purposes for community colleges
79 31 to use moneys deposited in their workforce training and
79 32 economic development funds pursuant to Code section 260C.18A.

79 33 ORGANIZATIONS REPRESENTING SCHOOL BOARDS, MEMBERS, AND
79 34 ADMINISTRATORS. This division strikes Code section 279.38 and
79 35 repeals Code section 279.38A, but combines much of the language



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80 1 of these two Code sections to modify the statutory requirements
80 2 of organizations to which school boards, school board members,
80 3 and school district administrators may join and pay monetary
80 4 fees for products or services or annual dues for membership.
80 5 School boards, board members, and school administrators may
80 6 join and participate in local, state, regional, and national
80 7 organizations which relate to the administrator or school
80 8 board functions of the school district. Such organizations
80 9 include but are not limited to the Iowa association of school
80 10 boards, the urban education network, Iowa school finance
80 11 information services, and the school administrators of Iowa.
80 12 Such an organization shall be considered a taxpayer=funded
80 13 organization.

80 14 Each board that pays fees or dues must annually report the
80 15 local community and to the department of education the amount
80 16 the board pays in annual dues to the organization and the
80 17 amount of any fees or assessments paid, and revenue or dividend
80 18 payments received, for services received from the organization,
80 19 and the products or services received from the organization.
80 20 The division requires that the information be submitted to
80 21 the department electronically in the format specified by the
80 22 department.

80 23 The financial condition and transactions of the
80 24 organizations shall be audited in the same manner as school
80 25 districts. Under the division, the organization must establish
80 26 an audit committee to review the financial condition and
80 27 transactions of the organization and the audit report.

80 28 Such an organization must publish annually, on its internet
80 29 site and in a report submitted annually to the department of
80 30 education, the standing committees on government oversight, and
80 31 the general assembly, a listing of the school districts and the
80 32 fees and dues paid by each school district; the total revenue
80 33 the organization receives from each school district resulting
80 34 from the payment of membership fees or dues; the total revenue
80 35 received from each school district from the payment of fees



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81 1 or dues, and the total net profit from the sale of products
81 2 and services to the school district by the organization;
81 3 the total amount of the annual compensation and expenses
81 4 paid to the organization's 10 highest paid employees, broken
81 5 down by individual employee; and an accounting of all moneys
81 6 expended for reimbursement of expenses and compensation paid to
81 7 legislative representatives and lobbyists of the organization.
81 8 Under the division, the organization must also submit to
81 9 the general assembly copies of any report the organization
81 10 provides to the U.S. department of education. The organization
81 11 must also provide education and training to its board members
81 12 regarding their fiduciary duties and legal responsibilities.
81 13 The division prohibits an organization from paying bonuses
81 14 or other consideration to employees, officers, board members,
81 15 or lobbyists, but allows an organization to pay a commission to
81 16 an employee under certain circumstances.
81 17 The division also prohibits the head of the organization
81 18 from requiring an employee to inform the person that the
81 19 employee disclosed information, and prohibits the person
81 20 taking adverse employment action against an employee of the
81 21 organization who discloses information, about the organization
81 22 to a board member, any public official, a law enforcement
81 23 agency, a state agency, the auditor of state or an auditor
81 24 conducting an examination in accordance with Code section 11.6,
81 25 the office of the attorney general, the office of citizens'
81 26 aide, or to a committee of the general assembly if the employee
81 27 reasonably believes the information evidences a violation
81 28 of law or rule, mismanagement, a gross abuse of funds, an
81 29 abuse of authority, or a substantial or specific danger to
81 30 public health or safety. The provisions do not apply if the
81 31 disclosure of information is prohibited by statute. A person
81 32 who violates the prohibitions commits a simple misdemeanor
81 33 and may be liable to an aggrieved employee for affirmative
81 34 relief. The prohibition against adverse action may be
81 35 enforced through a civil action, and the employee may bring an



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82 1 action for injunctive relief by the district court. Adverse
82 2 action against an employee for declining to participate in
82 3 contributions or donations is also prohibited. The person and
82 4 the organization must provide employee notification procedures
82 5 relating to these prohibitions and remedies and must conduct
82 6 related promotional campaigns.
82 7 The organization's governing boards meetings are subject to
82 8 Code chapter 21 (open meetings) and the governing board and the
82 9 organization's records must be maintained in compliance with
82 10 Code chapter 22 (open records).
82 11 This division takes effect upon enactment, and if approved
82 12 by the governor on or after July 1, 2011, applies retroactively
82 13 to June 30, 2011.
82 14 FY 2012=2013. This division of the bill appropriates moneys
82 15 for fiscal year 2012=2013 from the general fund of the state
82 16 to the college student aid commission, the department for the
82 17 blind, the department of education, and the state board of
82 18 regents and its institutions.
82 19 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
82 20 Unless otherwise provided, the bill, if approved by the
82 21 governor on or after July 1, 2011, takes effect upon enactment
82 22 and applies retroactively to July 1, 2011.
LSB 2819SV (1) 84
kh/tm



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SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1216)

A BILL FOR

1 An Act relating to and making appropriations to designated
2 state departments, agencies, funds, and certain other
3 entities, providing for regulatory authority, and other
4 properly related matters, and including effective date and
5 contingent retroactive applicability date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2818SV (4) 84
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PAG LIN

1 1 DIVISION I
1 2 ADMINISTRATION AND REGULATION
1 3 FY 2011=2012
1 4 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
1 5 1. There is appropriated from the general fund of the state
1 6 to the department of administrative services for the fiscal
1 7 year beginning July 1, 2011, and ending June 30, 2012, the
1 8 following amounts, or so much thereof as is necessary, to be
1 9 used for the purposes designated, and for not more than the
1 10 following full-time equivalent positions:
1 11 a. For salaries, support, maintenance, and miscellaneous
1 12 purposes:
1 13 \$ 4,020,344
1 14 FTEs 84.18
1 15 b. For the payment of utility costs:
1 16 \$ 2,704,460
1 17 FTEs 1.00
1 18 Notwithstanding section 8.33, any excess funds appropriated
1 19 for utility costs in this lettered paragraph shall not revert
1 20 to the general fund of the state at the end of the fiscal year
1 21 but shall remain available for expenditure for the purposes of
1 22 this lettered paragraph during the succeeding fiscal year.
1 23 c. For Terrace Hill operations:
1 24 \$ 405,914
1 25 FTEs 6.88
1 26 d. For the I3 distribution account:
1 27 \$ 3,277,946
1 28 e. For operations and maintenance of the Iowa building:
1 29 \$ 995,535
1 30 FTEs 7.00
1 31 2. Members of the general assembly serving as members of
1 32 the deferred compensation advisory board shall be entitled
1 33 to receive per diem and necessary travel and actual expenses
1 34 pursuant to section 2.10, subsection 5, while carrying out
1 35 their official duties as members of the board.



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2 1 3. Any funds and premiums collected by the department for
2 2 workers' compensation shall be segregated into a separate
2 3 workers' compensation fund in the state treasury to be used
2 4 for payment of state employees' workers' compensation claims
2 5 and administrative costs. Notwithstanding section 8.33,
2 6 unencumbered or unobligated moneys remaining in this workers'
2 7 compensation fund at the end of the fiscal year shall not
2 8 revert but shall be available for expenditure for purposes of
2 9 the fund for subsequent fiscal years.

2 10 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.

2 11 1. A state agency that has entered into a lease for any
2 12 buildings or office space shall forward a copy of each such
2 13 existing lease to the department of administrative services for
2 14 review prior to July 1, 2011.

2 15 2. A state agency that is in the process of entering into or
2 16 renewing a lease for any building or office space shall contact
2 17 the department of administrative services prior to finalizing
2 18 such lease. Such lease shall not be entered into or renewed
2 19 without the approval of the department.

2 20 3. The department shall provide space management services
2 21 and begin to lease all buildings and office space wherever
2 22 located throughout the state as provided in section 8A.321,
2 23 as amended by this Act, as soon as practicable, but by
2 24 no later than December 1, 2011. Prior to assuming those
2 25 responsibilities, the department shall review and approve
2 26 leases under subsection 2 unless, in the department's
2 27 discretion, it is determined that entering into or renewing
2 28 such lease would not be in the best interests of the state.

2 29 4. The department is authorized to assess a fee to a state
2 30 agency for which a lease is negotiated or renewed pursuant
2 31 to this Act sufficient to cover the department's costs in
2 32 providing space management services under this Act.

2 33 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.

2 34 1. If this Act is approved by the governor prior to July 1,
2 35 2011, the electronic online travel authorization form provided



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3 1 for in section 8A.512A, if enacted, shall be developed on or
3 2 before July 1, 2011, and executive branch employees subject
3 3 to that section traveling out of state on behalf of the state
3 4 shall utilize the form on and after that date.

3 5 2. The database to be made available by the department of
3 6 administrative services as provided in section 8A.512A, if
3 7 enacted, shall be developed and available for public access on
3 8 or before January 1, 2012.

3 9 3. The department shall develop a plan for converting
3 10 the existing reimbursement process to a paperless process,
3 11 including implementation steps, a timeline, and an estimated
3 12 budget. The plan shall be submitted to the governor by no
3 13 later than January 1, 2012.

3 14 Sec. 4. REVOLVING FUNDS. There is appropriated to the
3 15 department of administrative services for the fiscal year
3 16 beginning July 1, 2011, and ending June 30, 2012, from the
3 17 revolving funds designated in chapter 8A and from internal
3 18 service funds created by the department such amounts as the
3 19 department deems necessary for the operation of the department
3 20 consistent with the requirements of chapter 8A.

3 21 Sec. 5. FUNDING FOR IOWACCESS.

3 22 1. Notwithstanding section 321A.3, subsection 1, for the
3 23 fiscal year beginning July 1, 2011, and ending June 30, 2012,
3 24 the first \$750,000 collected and transferred by the department
3 25 of transportation to the treasurer of state with respect to the
3 26 fees for transactions involving the furnishing of a certified
3 27 abstract of a vehicle operating record under section 321A.3,
3 28 subsection 1, shall be transferred to the IowAccess revolving
3 29 fund for the purposes of developing, implementing, maintaining,
3 30 and expanding electronic access to government records as
3 31 provided by law.

3 32 2. All fees collected with respect to transactions
3 33 involving IowAccess shall be deposited in the IowAccess
3 34 revolving fund and shall be used only for the support of
3 35 IowAccess projects.



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4 1 3. For the fiscal year beginning July 1, 2011, and ending
4 2 June 30, 2012, there is appropriated from the IowAccess
4 3 revolving fund, to the office of the secretary of state \$75,000
4 4 for costs associated with decennial redistricting.

4 5 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
4 6 CHARGE. For the fiscal year beginning July 1, 2011, and ending
4 7 June 30, 2012, the monthly per contract administrative charge
4 8 which may be assessed by the department of administrative
4 9 services shall be \$2 per contract on all health insurance plans
4 10 administered by the department.

4 11 Sec. 7. AUDITOR OF STATE.

4 12 1. There is appropriated from the general fund of the state
4 13 to the office of the auditor of state for the fiscal year
4 14 beginning July 1, 2011, and ending June 30, 2012, the following
4 15 amount, or so much thereof as is necessary, to be used for
4 16 the purposes designated, and for not more than the following
4 17 full-time equivalent positions:

4 18 For salaries, support, maintenance, and miscellaneous
4 19 purposes:

4 20	\$	814,921
4 21	FTEs	103.00

4 22 2. The auditor of state may retain additional full-time
4 23 equivalent positions as is reasonable and necessary to
4 24 perform governmental subdivision audits which are reimbursable
4 25 pursuant to section 11.20 or 11.21, to perform audits which are
4 26 requested by and reimbursable from the federal government, and
4 27 to perform work requested by and reimbursable from departments
4 28 or agencies pursuant to section 11.5A or 11.5B. The auditor
4 29 of state shall notify the department of management, the
4 30 legislative fiscal committee, and the legislative services
4 31 agency of the additional full-time equivalent positions
4 32 retained.

4 33 3. The auditor of state shall allocate resources from the
4 34 appropriation in this section solely for audit work related to
4 35 the comprehensive annual financial report, federally required



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5 1 audits, and investigations of embezzlement, theft, or other
5 2 significant financial irregularities until the audit of the
5 3 comprehensive annual financial report is complete.
5 4 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
5 5 is appropriated from the general fund of the state to the
5 6 Iowa ethics and campaign disclosure board for the fiscal year
5 7 beginning July 1, 2011, and ending June 30, 2012, the following
5 8 amount, or so much thereof as is necessary, for the purposes
5 9 designated:
5 10 For salaries, support, maintenance, and miscellaneous
5 11 purposes, and for not more than the following full-time
5 12 equivalent positions:
5 13 \$ 500,000
5 14 FTEs 5.00
5 15 Sec. 9. DEPARTMENT OF COMMERCE.
5 16 1. There is appropriated from the general fund of the
5 17 state to the department of commerce for the fiscal year
5 18 beginning July 1, 2011, and ending June 30, 2012, the following
5 19 amounts, or so much thereof as is necessary, for the purposes
5 20 designated:
5 21 a. ALCOHOLIC BEVERAGES DIVISION
5 22 (1) For salaries, support, maintenance, and miscellaneous
5 23 purposes, and for not more than the following full-time
5 24 equivalent positions:
5 25 \$ 1,220,391
5 26 FTEs 21.00
5 27 (2) Of the funds appropriated pursuant to this paragraph, up
5 28 to \$60,000 shall be used to establish and implement a web-based
5 29 alcohol compliance employee training program for alcoholic
5 30 beverage sales personnel.
5 31 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
5 32 For salaries, support, maintenance, and miscellaneous
5 33 purposes, and for not more than the following full-time
5 34 equivalent positions:
5 35 \$ 600,353



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6 1 FTEs 12.00
6 2 2. There is appropriated from the department of commerce
6 3 revolving fund created in section 546.12 to the department of
6 4 commerce for the fiscal year beginning July 1, 2011, and ending
6 5 June 30, 2012, the following amounts, or so much thereof as is
6 6 necessary, for the purposes designated:
6 7 a. BANKING DIVISION
6 8 For salaries, support, maintenance, and miscellaneous
6 9 purposes, and for not more than the following full=time
6 10 equivalent positions:
6 11 \$ 8,851,670
6 12 FTEs 80.00
6 13 b. CREDIT UNION DIVISION
6 14 For salaries, support, maintenance, and miscellaneous
6 15 purposes, and for not more than the following full=time
6 16 equivalent positions:
6 17 \$ 1,727,995
6 18 FTEs 19.00
6 19 c. INSURANCE DIVISION
6 20 (1) For salaries, support, maintenance, and miscellaneous
6 21 purposes, and for not more than the following full=time
6 22 equivalent positions:
6 23 \$ 4,983,244
6 24 FTEs 106.50
6 25 (2) The insurance division may reallocate authorized
6 26 full=time equivalent positions as necessary to respond to
6 27 accreditation recommendations or requirements. The insurance
6 28 division expenditures for examination purposes may exceed the
6 29 projected receipts, refunds, and reimbursements, estimated
6 30 pursuant to section 505.7, subsection 7, including the
6 31 expenditures for retention of additional personnel, if the
6 32 expenditures are fully reimbursable and the division first does
6 33 both of the following:
6 34 (a) Notifies the department of management, the legislative
6 35 services agency, and the legislative fiscal committee of the



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7 1 need for the expenditures.
7 2 (b) Files with each of the entities named in subparagraph
7 3 division (a) the legislative and regulatory justification for
7 4 the expenditures, along with an estimate of the expenditures.
7 5 d. UTILITIES DIVISION
7 6 (1) For salaries, support, maintenance, and miscellaneous
7 7 purposes, and for not more than the following full-time
7 8 equivalent positions:
7 9 \$ 8,173,069
7 10 FTEs 79.00
7 11 (2) The utilities division may expend additional funds,
7 12 including funds for additional personnel, if those additional
7 13 expenditures are actual expenses which exceed the funds
7 14 budgeted for utility regulation and the expenditures are fully
7 15 reimbursable. Before the division expends or encumbers an
7 16 amount in excess of the funds budgeted for regulation, the
7 17 division shall first do both of the following:
7 18 (a) Notify the department of management, the legislative
7 19 services agency, and the legislative fiscal committee of the
7 20 need for the expenditures.
7 21 (b) File with each of the entities named in subparagraph
7 22 division (a) the legislative and regulatory justification for
7 23 the expenditures, along with an estimate of the expenditures.
7 24 (3) Notwithstanding sections 8.33 and 476.10 or any other
7 25 provisions to the contrary, any unencumbered or unobligated
7 26 balance of the appropriation made in this paragraph for the
7 27 utilities division or any other operational appropriation made
7 28 for the fiscal year beginning July 1, 2011, and ending June
7 29 30, 2012, that remains unused, unencumbered, or unobligated at
7 30 the close of the fiscal year shall not revert but shall remain
7 31 available to be used for purposes of the energy-efficient
7 32 building project authorized under section 476.10B, or for
7 33 relocation costs in succeeding fiscal years.
7 34 3. CHARGES. Each division and the office of consumer
7 35 advocate shall include in its charges assessed or revenues



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8 1 generated an amount sufficient to cover the amount stated
8 2 in its appropriation and any state=assessed indirect costs
8 3 determined by the department of administrative services.
8 4 Sec. 10. DEPARTMENT OF COMMERCE ==== PROFESSIONAL LICENSING
8 5 AND REGULATION BUREAU. There is appropriated from the housing
8 6 trust fund of the Iowa finance authority created in section
8 7 16.181, to the bureau of professional licensing and regulation
8 8 of the banking division of the department of commerce for the
8 9 fiscal year beginning July 1, 2011, and ending June 30, 2012,
8 10 the following amount, or so much thereof as is necessary, to be
8 11 used for the purposes designated:
8 12 For salaries, support, maintenance, and miscellaneous
8 13 purposes:
8 14 \$ 62,317
8 15 Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There is
8 16 appropriated from the general fund of the state to the offices
8 17 of the governor and the lieutenant governor for the fiscal year
8 18 beginning July 1, 2011, and ending June 30, 2012, the following
8 19 amounts, or so much thereof as is necessary, to be used for the
8 20 purposes designated:
8 21 For salaries, support, maintenance, and miscellaneous
8 22 purposes:
8 23 \$ 2,299,068
8 24 FTEs 22.88
8 25 Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
8 26 from the general fund of the state to the department of human
8 27 rights for the fiscal year beginning July 1, 2011, and ending
8 28 June 30, 2012, the following amounts, or so much thereof as is
8 29 necessary, to be used for the purposes designated:
8 30 1. CENTRAL ADMINISTRATION DIVISION
8 31 For salaries, support, maintenance, and miscellaneous
8 32 purposes, and for not more than the following full=time
8 33 equivalent positions:
8 34 \$ 206,103
8 35 FTEs 7.00



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9 1 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
9 2 For salaries, support, maintenance, and miscellaneous
9 3 purposes, and for not more than the following full=time
9 4 equivalent positions:
9 5 \$ 1,056,792
9 6 FTEs 17.00
9 7 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
9 8 For salaries, support, maintenance, and miscellaneous
9 9 purposes, and for not more than the following full=time
9 10 equivalent positions:
9 11 \$ 1,073,892
9 12 FTEs 10.00
9 13 The criminal and juvenile justice planning advisory council
9 14 and the juvenile justice advisory council shall coordinate
9 15 their efforts in carrying out their respective duties relative
9 16 to juvenile justice.
9 17 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There
9 18 is appropriated from the general fund of the state to the
9 19 department of inspections and appeals for the fiscal year
9 20 beginning July 1, 2011, and ending June 30, 2012, the following
9 21 amounts, or so much thereof as is necessary, for the purposes
9 22 designated:
9 23 1. ADMINISTRATION DIVISION
9 24 For salaries, support, maintenance, and miscellaneous
9 25 purposes, and for not more than the following full=time
9 26 equivalent positions:
9 27 \$ 1,527,740
9 28 FTEs 37.40
9 29 2. ADMINISTRATIVE HEARINGS DIVISION
9 30 For salaries, support, maintenance, and miscellaneous
9 31 purposes, and for not more than the following full=time
9 32 equivalent positions:
9 33 \$ 553,973
9 34 FTEs 23.00
9 35 3. INVESTIGATIONS DIVISION



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10 1 a. For salaries, support, maintenance, and miscellaneous
10 2 purposes, and for not more than the following full-time
10 3 equivalent positions:
10 4 \$ 1,168,639
10 5 FTEs 58.50
10 6 b. The department, in coordination with the investigations
10 7 division, shall provide a report to the general assembly by
10 8 January 10, 2012, concerning the fiscal impact of additional
10 9 full-time equivalent positions on the department's efforts
10 10 relative to the Medicaid divestiture program under chapter
10 11 249F.
10 12 4. HEALTH FACILITIES DIVISION
10 13 a. For salaries, support, maintenance, and miscellaneous
10 14 purposes, and for not more than the following full-time
10 15 equivalent positions:
10 16 \$ 3,562,739
10 17 FTEs 134.75
10 18 b. The department shall, in coordination with the health
10 19 facilities division, make the following information available
10 20 to the public in a timely manner, to include providing the
10 21 information on the department's internet website, during the
10 22 fiscal year beginning July 1, 2011, and ending June 30, 2012:
10 23 (1) The number of inspections conducted by the division
10 24 annually by type of service provider and type of inspection.
10 25 (2) The total annual operations budget for the division,
10 26 including general fund appropriations and federal contract
10 27 dollars received by type of service provider inspected.
10 28 (3) The total number of full-time equivalent positions in
10 29 the division, to include the number of full-time equivalent
10 30 positions serving in a supervisory capacity, and serving as
10 31 surveyors, inspectors, or monitors in the field by type of
10 32 service provider inspected.
10 33 (4) Identification of state and federal survey trends,
10 34 cited regulations, the scope and severity of deficiencies
10 35 identified, and federal and state fines assessed and collected



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11 1 concerning nursing and assisted living facilities and programs.
11 2 c. It is the intent of the general assembly that the
11 3 department and division continuously solicit input from
11 4 facilities regulated by the division to assess and improve
11 5 the division's level of collaboration and to identify new
11 6 opportunities for cooperation.

11 7 5. EMPLOYMENT APPEAL BOARD

11 8 a. For salaries, support, maintenance, and miscellaneous
11 9 purposes, and for not more than the following full-time
11 10 equivalent positions:

11 11	\$	42,215
11 12	FTEs	14.00

11 13 b. The employment appeal board shall be reimbursed by
11 14 the labor services division of the department of workforce
11 15 development for all costs associated with hearings conducted
11 16 under chapter 91C, related to contractor registration. The
11 17 board may expend, in addition to the amount appropriated under
11 18 this subsection, additional amounts as are directly billable
11 19 to the labor services division under this subsection and to
11 20 retain the additional full-time equivalent positions as needed
11 21 to conduct hearings required pursuant to chapter 91C.

11 22 6. CHILD ADVOCACY BOARD

11 23 a. For foster care review and the court appointed special
11 24 advocate program, including salaries, support, maintenance, and
11 25 miscellaneous purposes, and for not more than the following
11 26 full-time equivalent positions:

11 27	\$	2,794,473
11 28	FTEs	40.80

11 29 b. The department of human services, in coordination with
11 30 the child advocacy board and the department of inspections and
11 31 appeals, shall submit an application for funding available
11 32 pursuant to Tit. IV=E of the federal Social Security Act for
11 33 claims for child advocacy board administrative review costs.

11 34 c. The court appointed special advocate program shall
11 35 investigate and develop opportunities for expanding



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12 1 fund=raising for the program.
12 2 d. Administrative costs charged by the department of
12 3 inspections and appeals for items funded under this subsection
12 4 shall not exceed 4 percent of the amount appropriated in this
12 5 subsection.
12 6 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS ==== MUNICIPAL
12 7 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
12 8 July 1, 2011, and ending June 30, 2012, the department of
12 9 inspections and appeals shall retain any license fees generated
12 10 during the fiscal year as a result of actions under section
12 11 137F.3A occurring during the period beginning July 1, 2009,
12 12 and ending June 30, 2011, for the purpose of enforcing the
12 13 provisions of chapters 137C, 137D, and 137F.
12 14 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS ====
12 15 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
12 16 provision of section 135C.16 to the contrary, inspections of
12 17 health care facilities that are only state=licensed and not
12 18 certified under the Medicare or Medicaid programs shall not be
12 19 inspected by the department of inspections and appeals every
12 20 thirty months, but only as provided pursuant to sections 135C.9
12 21 and 135C.38.
12 22 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS ==== GENERAL
12 23 SUPPORT ==== MEDICAID FRAUD FUND APPROPRIATION. There is
12 24 appropriated from the Medicaid fraud fund created in section
12 25 249.7 to the health facilities division of the department of
12 26 inspections and appeals for the fiscal year beginning July
12 27 1, 2011, and ending June 30, 2012, the following amount, or
12 28 so much thereof as is necessary, to be used for the purposes
12 29 designated:
12 30 For additional health facility surveyors, compliance
12 31 officers, and residential care facility surveyors:
12 32 \$ 650,000
12 33 Sec. 17. DEPARTMENT OF INSPECTIONS AND APPEALS ==== STATE
12 34 MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND APPROPRIATION. There
12 35 is appropriated from the Medicaid fraud fund created in section



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13 1 249A.7 to the department of inspections and appeals for the
13 2 fiscal year beginning July 1, 2011, and ending June 30, 2012,
13 3 the amounts necessary for the purposes designated:
13 4 1. To cover the cost of any state match to draw down
13 5 matching federal funds through the department of human services
13 6 for additional full-time equivalent positions for conducting
13 7 investigations of alleged fraud and overpayments of food
13 8 assistance benefits through electronic benefits transfer.
13 9 2. For the state financial match requirement for meeting
13 10 the federal mandates connected with the department's Medicaid
13 11 fraud and abuse activities, and the amount necessary to cover
13 12 costs incurred by the department or other agencies in providing
13 13 regulation, responding to allegations, or other activity
13 14 involving chapter 1350.
13 15 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
13 16 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
13 17 APPROPRIATION. There is appropriated from the Medicaid fraud
13 18 fund created in section 249A.7 to the department of inspections
13 19 and appeals for the fiscal year beginning July 1, 2011, and
13 20 ending June 30, 2012, the following amount, or so much thereof
13 21 as is necessary, to be used for the purposes designated:
13 22 For salaries, support, maintenance, miscellaneous purposes,
13 23 administration, and other costs associated with implementation
13 24 of 2010 Iowa Acts, chapter 1177:
13 25 \$ 250,000
13 26 Sec. 19. RACING AND GAMING COMMISSION.
13 27 1. RACETRACK REGULATION
13 28 There is appropriated from the gaming regulatory revolving
13 29 fund established in section 99F.20 to the racing and gaming
13 30 commission of the department of inspections and appeals for the
13 31 fiscal year beginning July 1, 2011, and ending June 30, 2012,
13 32 the following amount, or so much thereof as is necessary, to be
13 33 used for the purposes designated:
13 34 For salaries, support, maintenance, and miscellaneous
13 35 purposes for the regulation of pari-mutuel racetracks, and for



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14 1 not more than the following full=time equivalent positions:
14 2 \$ 2,511,440
14 3 FTEs 28.53
14 4 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
14 5 There is appropriated from the gaming regulatory revolving
14 6 fund established in section 99F.20 to the racing and gaming
14 7 commission of the department of inspections and appeals for the
14 8 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 9 the following amount, or so much thereof as is necessary, to be
14 10 used for the purposes designated:
14 11 For salaries, support, maintenance, and miscellaneous
14 12 purposes for administration and enforcement of the excursion
14 13 boat gambling and gambling structure laws, and for not more
14 14 than the following full=time equivalent positions:
14 15 \$ 3,078,100
14 16 FTEs 44.22
14 17 Sec. 20. ROAD USE TAX FUND APPROPRIATION ==== DEPARTMENT OF
14 18 INSPECTIONS AND APPEALS. There is appropriated from the road
14 19 use tax fund created in section 312.1 to the administrative
14 20 hearings division of the department of inspections and appeals
14 21 for the fiscal year beginning July 1, 2011, and ending June 30,
14 22 2012, the following amount, or so much thereof as is necessary,
14 23 for the purposes designated:
14 24 For salaries, support, maintenance, and miscellaneous
14 25 purposes:
14 26 \$ 1,623,897
14 27 Sec. 21. DEPARTMENT OF MANAGEMENT.
14 28 1. There is appropriated from the general fund of the state
14 29 to the department of management for the fiscal year beginning
14 30 July 1, 2011, and ending June 30, 2012, the following amounts,
14 31 or so much thereof as is necessary, to be used for the purposes
14 32 designated:
14 33 For salaries, support, maintenance, and miscellaneous
14 34 purposes, and for not more than the following full=time
14 35 equivalent positions:



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15 1 \$ 2,423,998
15 2 FTEs 25.00
15 3 2. Of the moneys appropriated in this section, the
15 4 department shall use a portion for enterprise resource
15 5 planning, providing for a salary model administrator,
15 6 conducting performance audits, and for the department's LEAN
15 7 process.
15 8 Sec. 22. ROAD USE TAX APPROPRIATION ==== DEPARTMENT OF
15 9 MANAGEMENT. There is appropriated from the road use tax fund
15 10 created in section 312.1 to the department of management for
15 11 the fiscal year beginning July 1, 2011, and ending June 30,
15 12 2012, the following amount, or so much thereof as is necessary,
15 13 to be used for the purposes designated:
15 14 For salaries, support, maintenance, and miscellaneous
15 15 purposes:
15 16 \$ 56,000
15 17 Sec. 23. DEPARTMENT OF REVENUE.
15 18 1. There is appropriated from the general fund of the state
15 19 to the department of revenue for the fiscal year beginning July
15 20 1, 2011, and ending June 30, 2012, the following amounts, or
15 21 so much thereof as is necessary, to be used for the purposes
15 22 designated:
15 23 For salaries, support, maintenance, and miscellaneous
15 24 purposes, and for not more than the following full-time
15 25 equivalent positions:
15 26 \$ 17,705,459
15 27 FTEs 303.48
15 28 2. Of the funds appropriated pursuant to this section,
15 29 \$400,000 shall be used to pay the direct costs of compliance
15 30 related to the collection and distribution of local sales and
15 31 services taxes imposed pursuant to chapters 423B and 423E.
15 32 3. The director of revenue shall prepare and issue a state
15 33 appraisal manual and the revisions to the state appraisal
15 34 manual as provided in section 421.17, subsection 17, without
15 35 cost to a city or county.



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16 1 Sec. 24. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
16 2 appropriated from the motor fuel tax fund created by section
16 3 452A.77 to the department of revenue for the fiscal year
16 4 beginning July 1, 2011, and ending June 30, 2012, the following
16 5 amount, or so much thereof as is necessary, to be used for the
16 6 purposes designated:

16 7 For salaries, support, maintenance, miscellaneous purposes,
16 8 and for administration and enforcement of the provisions of
16 9 chapter 452A and the motor vehicle use tax program:
16 10 \$ 1,305,775

16 11 Sec. 25. SECRETARY OF STATE.

16 12 1. There is appropriated from the general fund of the state
16 13 to the office of the secretary of state for the fiscal year
16 14 beginning July 1, 2011, and ending June 30, 2012, the following
16 15 amounts, or so much thereof as is necessary, to be used for the
16 16 purposes designated:

16 17 For salaries, support, maintenance, and miscellaneous
16 18 purposes, and for not more than the following full-time
16 19 equivalent positions:
16 20 \$ 2,860,585
16 21 FTEs 45.00

16 22 2. The state department or state agency which provides
16 23 data processing services to support voter registration file
16 24 maintenance and storage shall provide those services without
16 25 charge.

16 26 Sec. 26. SECRETARY OF STATE FILING FEES REFUND.

16 27 Notwithstanding the obligation to collect fees pursuant to the
16 28 provisions of section 490.122, subsection 1, paragraphs "a" and
16 29 "s", and section 504.113, subsection 1, paragraphs "a", "c",
16 30 "d", "j", "k", "l", and "m", for the fiscal year beginning July
16 31 1, 2011, the secretary of state may refund these fees to the
16 32 filer pursuant to rules established by the secretary of state.
16 33 The decision of the secretary of state not to issue a refund
16 34 under rules established by the secretary of state is final and
16 35 not subject to review pursuant to chapter 17A.



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17 1 Sec. 27. TREASURER.
17 2 1. There is appropriated from the general fund of the
17 3 state to the office of treasurer of state for the fiscal year
17 4 beginning July 1, 2011, and ending June 30, 2012, the following
17 5 amount, or so much thereof as is necessary, to be used for the
17 6 purposes designated:
17 7 For salaries, support, maintenance, and miscellaneous
17 8 purposes, and for not more than the following full=time
17 9 equivalent positions:
17 10 \$ 854,289
17 11 FTEs 28.80
17 12 2. The office of treasurer of state shall supply clerical
17 13 and secretarial support for the executive council.
17 14 Sec. 28. ROAD USE TAX APPROPRIATION ==== OFFICE OF TREASURER
17 15 OF STATE. There is appropriated from the road use tax fund
17 16 created in section 312.1 to the office of treasurer of state
17 17 for the fiscal year beginning July 1, 2011, and ending June 30,
17 18 2012, the following amount, or so much thereof as is necessary,
17 19 to be used for the purposes designated:
17 20 For enterprise resource management costs related to the
17 21 distribution of road use tax funds:
17 22 \$ 93,148
17 23 Sec. 29. IPERS ==== GENERAL OFFICE. There is appropriated
17 24 from the Iowa public employees' retirement system fund to the
17 25 Iowa public employees' retirement system for the fiscal year
17 26 beginning July 1, 2011, and ending June 30, 2012, the following
17 27 amount, or so much thereof as is necessary, to be used for the
17 28 purposes designated:
17 29 For salaries, support, maintenance, and other operational
17 30 purposes to pay the costs of the Iowa public employees'
17 31 retirement system, and for not more than the following
17 32 full=time equivalent positions:
17 33 \$ 17,686,968
17 34 FTEs 90.13
17 35 Sec. 30. STATE CAPITOL SIDEWALK HEATING ====



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18 1 DISCONNECTION. The department of administrative services
18 2 shall disconnect electricity to the heated sidewalk installed
18 3 in the entry walkway on the East side of the state capitol
18 4 building, and shall not reconnect the electricity without the
18 5 authorization of the general assembly.

18 6 Sec. 31. Section 8A.111, subsection 4, Code 2011, is amended
18 7 by striking the subsection.

18 8 Sec. 32. Section 8A.311, subsection 15, Code 2011, is
18 9 amended to read as follows:

18 10 15. a. A bidder ~~awarded~~, to be considered for an award
18 11 of a state construction contract, shall disclose to the state
18 12 agency awarding the contract the names of all subcontractors,
~~18 13 and suppliers~~ who will work on the project being bid, within
18 14 forty-eight hours after the ~~award of the contract~~ published
18 15 date and time by which bids must be submitted.

18 16 b. A bidder shall not replace a subcontractor or supplier
18 17 disclosed under paragraph "a" without the approval of the state
18 18 agency awarding the contract.

18 19 c. A bidder, prior to an award or who is awarded a state
18 20 construction contract, shall disclose all of the following, as
18 21 applicable:

18 22 ~~b.~~ (1) If a subcontractor ~~named~~ or supplier disclosed under
18 23 paragraph "a" by a bidder ~~awarded a state construction contract~~
18 24 is replaced, ~~or if the reason for replacement and the name of~~
18 25 the new subcontractor or supplier.

18 26 (2) If the cost of work to be done by a subcontractor or
18 27 supplier is ~~reduced~~, the bidder shall disclose the name of
~~18 28 the new subcontractor or changed or if the replacement of a~~
18 29 subcontractor or supplier results in a change in the cost, the
18 30 amount of the ~~reduced~~ change in cost.

18 31 Sec. 33. Section 8A.315, subsection 1, paragraph d, Code
18 32 2011, is amended by striking the paragraph.

18 33 Sec. 34. Section 8A.321, subsection 6, Code 2011, is amended
18 34 to read as follows:

18 35 6. a. Lease all buildings and office space necessary to



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19 1 carry out the provisions of this subchapter or necessary for
19 2 the proper functioning of any state agency ~~at the seat of~~
~~19 3 government wherever located throughout the state.~~ For state
19 4 agencies at the seat of government, the director may lease
19 5 buildings and office space in Polk county or in a county
19 6 contiguous to Polk county. If no specific appropriation
19 7 has been made, the proposed lease shall be submitted to the
19 8 executive council for approval. The cost of any lease for
19 9 which no specific appropriation has been made shall be paid
19 10 from the fund provided in section 7D.29. Additionally, the
19 11 director shall also develop cooperative relationships with the
19 12 state board of regents in order to promote colocation of state
19 13 agencies.

19 14 b. When the general assembly is not in session, the director
19 15 may request moneys from the executive council for moving
19 16 state agencies ~~located at the seat of government~~ from one
19 17 location to another. The request may include moving costs,
19 18 telecommunications costs, repair costs, or any other costs
19 19 relating to the move. The executive council may approve and
19 20 shall pay the costs from funds provided in section 7D.29 if it
19 21 determines the agency or department has no available funds for
19 22 these expenses.

~~19 23 e. Coordinate the leasing of buildings and office space by~~
~~19 24 state agencies throughout the state and develop cooperative~~
~~19 25 relationships with the state board of regents in order to~~
~~19 26 promote the colocation of state agencies.~~

19 27 Sec. 35. Section 8A.327, subsection 1, Code 2011, is amended
19 28 to read as follows:

19 29 1. A rent revolving fund is created in the state treasury
19 30 under the control of the department to be used by the
19 31 department to pay the lease or rental costs of all buildings
19 32 and office space necessary for the proper functioning of any
19 33 state agency ~~at the seat of state government wherever located~~
19 34 throughout the state as provided in section 8A.321, subsection
19 35 6, except that this fund shall not be used to pay the rental



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20 1 or lease costs of a state agency which has not received funds
20 2 budgeted for rental or lease purposes.

20 3 Sec. 36. Section 8A.361, Code 2011, is amended to read as
20 4 follows:

20 5 8A.361 Vehicle assignment ==== authority in department.

20 6 The department shall provide for the assignment of all
20 7 ~~state-owned~~ motor vehicles ~~to~~ utilized by all state officers
20 8 and employees, and ~~to~~ by all state offices, departments,
20 9 bureaus, and commissions, except the state department of
20 10 transportation, institutions under the control of the state
20 11 board of regents, the department for the blind, and any other
20 12 agencies exempted by law.

20 13 Sec. 37. Section 8A.362, subsection 4, paragraphs a through
20 14 c, Code 2011, are amended to read as follows:

20 15 a. The director shall provide for the purchase of ~~all~~ motor
20 16 vehicles for all branches of the state government, except the
20 17 state department of transportation, institutions under the
20 18 control of the state board of regents, the department for the
20 19 blind, and any other state agency exempted by law, which are
20 20 not rented or leased pursuant to section 8A.367. The director
20 21 shall purchase new vehicles in accordance with competitive
20 22 bidding procedures for items or services as provided in
20 23 this subchapter. The director may purchase used or preowned
20 24 vehicles at governmental or dealer auctions if the purchase is
20 25 determined to be in the best interests of the state.

20 26 b. The director, and any other state agency, which for
20 27 purposes of this subsection includes but is not limited to
20 28 community colleges and institutions under the control of the
20 29 state board of regents, or local governmental subdivisions
20 30 purchasing new motor vehicles, shall purchase ~~new passenger~~
~~20 31 motor vehicles and light trucks, which are not rented or leased~~
20 32 pursuant to section 8A.367, so that the average fuel efficiency
20 33 for the fleet of new passenger vehicles and light trucks
20 34 purchased in that year equals or exceeds the average fuel
20 35 economy standard for the vehicles' model year as established by



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21 1 the United States secretary of transportation under 15 U.S.C.
21 2 { 2002. This paragraph does not apply to vehicles purchased
21 3 for law enforcement purposes or used for off=road maintenance
21 4 work, or work vehicles used to pull loaded trailers.
21 5 c. Not later than June 15 of each year, the director
21 6 shall report compliance with the corporate average fuel
21 7 economy standards published by the United States secretary
21 8 of transportation for ~~new~~ assigned motor vehicles, other
21 9 than motor vehicles purchased by the state department of
21 10 transportation, institutions under the control of the state
21 11 board of regents, the department for the blind, and any other
21 12 state agency exempted from the requirements of this subsection.
21 13 The report of compliance shall classify the vehicles ~~purchased~~
~~21 14 assigned~~ for the current vehicle model year using the following
21 15 categories: passenger automobiles, enforcement automobiles,
21 16 vans, and light trucks. The director shall deliver a copy
21 17 of the report to the office of energy independence. As used
21 18 in this paragraph, "corporate average fuel economy" means the
21 19 corporate average fuel economy as defined in 49 C.F.R. { 533.5.
21 20 Sec. 38. Section 8A.362, subsection 5, Code 2011, is amended
21 21 by striking the subsection.
21 22 Sec. 39. Section 8A.362, subsections 7 through 9, Code 2011,
21 23 are amended to read as follows:
21 24 7. The director may authorize the establishment of motor
21 25 pools consisting of a number of ~~state-owned~~ state=assigned
21 26 motor vehicles under the director's supervision. The director
21 27 may store the motor vehicles in a public or private garage. If
21 28 the director establishes a motor pool, any state officer or
21 29 employee desiring the use of a ~~state-owned~~ state=assigned motor
21 30 vehicle on state business shall notify the director of the need
21 31 for a vehicle within a reasonable time prior to actual use of
21 32 the motor vehicle. The director may assign a motor vehicle
21 33 from the motor pool to the state officer or employee, or from
21 34 the vendor awarded a contract pursuant to section 8A.367. If
21 35 two or more state officers or employees desire the use of a



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22 1 ~~state=owned~~ state=assigned motor vehicle for a trip to the
22 2 same destination for the same length of time, the director may
22 3 assign one vehicle to make the trip.
22 4 8. The director shall require that a sign be placed on
22 5 each state=owned motor vehicle in a conspicuous place which
22 6 indicates its ownership by the state. This requirement
22 7 shall not apply to motor vehicles requested to be exempt by
22 8 the director or by the commissioner of public safety. All
22 9 state=owned motor vehicles shall display registration plates
22 10 bearing the word "official" except motor vehicles requested to
22 11 be furnished with ordinary plates by the director or by the
22 12 commissioner of public safety pursuant to section 321.19. The
22 13 director shall keep an accurate record of the registration
22 14 plates used on all state=owned motor vehicles. This subsection
22 15 shall not apply to an assigned vehicle rented or leased
22 16 pursuant to section 8A.367.

22 17 9. All fuel used in ~~state=owned~~ state=assigned automobiles
22 18 shall be purchased at cost from the various installations
22 19 or garages of the state department of transportation, state
22 20 board of regents, department of human services, or state motor
22 21 pools throughout the state, unless the state=owned sources
22 22 for the purchase of fuel are not reasonably accessible. If
22 23 the director determines that state=owned sources for the
22 24 purchase of fuel are not reasonably accessible, the director
22 25 shall authorize the purchase of fuel from other sources. The
22 26 director may prescribe a manner, other than the use of the
22 27 revolving fund, in which the purchase of fuel from state=owned
22 28 sources is charged to the state agency responsible for the
22 29 use of the motor vehicle. The director shall prescribe the
22 30 manner in which oil and other normal motor vehicle maintenance
22 31 for state=owned motor vehicles may be purchased from private
22 32 sources, if they cannot be reasonably obtained from a state
22 33 motor pool. The director may advertise for bids and award
22 34 contracts in accordance with competitive bidding procedures
22 35 for items and services as provided in this subchapter for



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23 1 furnishing fuel, oil, grease, and vehicle replacement parts for
23 2 all state=owned motor vehicles. The director and other state
23 3 agencies, when advertising for bids for gasoline, shall also
23 4 seek bids for ethanol blended gasoline.

23 5 Sec. 40. Section 8A.363, subsection 1, Code 2011, is amended
23 6 to read as follows:

23 7 1. A state officer or employee shall not use a ~~state=owned~~
~~23 8~~ ~~state=assigned~~ motor vehicle for personal private use. A
23 9 state officer or employee shall not be compensated for driving
23 10 a privately owned motor vehicle unless it is done on state
23 11 business with the approval of the director. In that case
23 12 the state officer or employee shall receive an amount to be
23 13 determined by the director. The amount shall not exceed
23 14 the maximum allowable under the federal internal revenue
23 15 service rules per mile, notwithstanding established mileage
23 16 requirements or depreciation allowances. However, the director
23 17 may authorize private motor vehicle rates in excess of the
23 18 rate allowed under the federal internal revenue service rules
23 19 for state business use of substantially modified or specially
23 20 equipped privately owned vehicles required by persons with
23 21 disabilities. A statutory provision establishing reimbursement
23 22 for necessary mileage, travel, or actual expenses to a state
23 23 officer falls under the private motor vehicle mileage rate
23 24 limitation provided in this section unless specifically
23 25 provided otherwise. Any peace officer employed by the state
23 26 as defined in section 801.4 who is required to use a private
23 27 motor vehicle in the performance of official duties shall
23 28 receive the private vehicle mileage rate at the rate provided
23 29 in this section. However, the director may delegate authority
23 30 to officials of the state, and department heads, for the
23 31 use of private vehicles on state business up to a yearly
23 32 mileage figure established by the director. If a ~~state~~ motor
23 33 vehicle has been assigned to a state officer or employee, the
23 34 officer or employee shall not collect mileage for the use of a
23 35 privately owned motor vehicle unless the ~~state~~ motor vehicle



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24 1 assigned is not usable.
24 2 Sec. 41. NEW SECTION. 8A.367 State=owned passenger vehicles
24 3 ==== disposition and sale ==== fleet privatization.
24 4 1. For purposes of this section, "passenger vehicles"
24 5 means United States environmental protection agency designated
24 6 compact sedans, compact wagon, midsize sedans, midsize wagons,
24 7 full=size sedans, and passenger minivans, and additional
24 8 vehicle classes determined by the department to be able to be
24 9 reasonably supported by a private entity for rental or leasing.
24 10 "Passenger vehicles" does not mean utility vehicles, vans other
24 11 than passenger minivans, fire trucks, ambulances, motor homes,
24 12 buses, medium=duty and heavy=duty trucks, heavy construction
24 13 equipment, and other highway maintenance vehicles, vehicles
24 14 assigned for law enforcement purposes, and any other classes of
24 15 vehicles of limited application approved by the director of the
24 16 department of administrative services.
24 17 2. On or before September 30, 2011, the department shall
24 18 implement a request for proposal process to enter into a
24 19 contract for the purpose of state passenger vehicle rental or
24 20 leasing from a private entity. Prior to awarding a contract, a
24 21 private entity shall demonstrate the following:
24 22 a. Existence of sufficient inventory of passenger vehicles
24 23 within this state to accommodate the needs of the state in
24 24 assigning passenger vehicles.
24 25 b. Existence of adequate personnel in any county within
24 26 the state where rental and leasing activity can be supported
24 27 to satisfy the terms of the contract in renting or leasing
24 28 state=assigned vehicles.
24 29 c. Existence of adequate personnel to facilitate the
24 30 sale and disposition of the existing state=owned passenger
24 31 vehicles returned to the department pursuant to subsection 3 or
24 32 otherwise under the control of the department. Notwithstanding
24 33 the provisions of section 8A.364 to the contrary, proceeds from
24 34 the sale of motor vehicles as provided by this subsection shall
24 35 be credited to the fund from which the motor vehicles were



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25 1 purchased.

25 2 3. By March 1, 2012, the department shall award a vehicle
25 3 rental or leasing contract to a private entity, and shall
25 4 assign passenger vehicles for rental or lease pursuant to that
25 5 contract, to the extent the department determines doing so
25 6 would be economically feasible and financially advantageous.
25 7 By March 1, 2012, all state=assigned passenger vehicles
25 8 designated for use by multiple drivers, and located in any
25 9 county of this state which can support the operation of a
25 10 private entity for rental and leasing purposes, which the
25 11 department determines would be suitable for rental or leasing
25 12 shall be returned to the department for use and disposition as
25 13 provided in this section.

25 14 4. Notwithstanding any other provision of state law to the
25 15 contrary, a private entity awarded a contract pursuant to this
25 16 section shall not be required to indemnify or hold harmless the
25 17 state for any liability the state might have to any third party
25 18 due to the negligence of the state or any of its employees.

25 19 5. The department shall conduct an ongoing evaluation
25 20 regarding the economic advantages of renting or leasing
25 21 state=assigned vehicles versus state ownership of such
25 22 vehicles, and shall accordingly adjust the number of vehicles
25 23 subject to the rental and leasing contract pursuant to this
25 24 section at intervals specified in the contract.

25 25 Sec. 42. Section 8A.512, subsection 2, Code 2011, is amended
25 26 by striking the subsection.

25 27 Sec. 43. NEW SECTION. 8A.512A Executive branch employee
25 28 travel ==== information and database.

25 29 1. The department shall develop and maintain the following:

25 30 a. An electronic travel authorization form to be used
25 31 for any executive branch employee's out=of=state travel,
25 32 conference, or related expenditures associated with
25 33 the employee's official duties. The electronic travel
25 34 authorization form shall include all of the following:

25 35 (1) The identification of the employee, the employee's



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26 1 title, and the employee's department or agency.
26 2 (2) The travel departure point and destination point.
26 3 (3) The reason for the travel.
26 4 (4) The estimated reimbursable expenses.
26 5 (5) The date or dates upon which the travel is to occur.
26 6 b. A searchable database available on the department's
26 7 internet site containing information related to all executive
26 8 branch employee travel that includes all of the following:
26 9 (1) The identification of the employee who engaged in the
26 10 travel, the employee's department or agency, and the employee's
26 11 title.
26 12 (2) The travel departure point and destination point.
26 13 (3) The reason for the travel.
26 14 (4) The actual amount of expenses reimbursed.
26 15 (5) The date or dates upon which the travel occurred.
26 16 c. Notwithstanding paragraph "b" of this subsection, the
26 17 searchable database shall not include information regarding
26 18 travel by officers and employees of the department of
26 19 public safety occurring in relation to or during the course
26 20 of criminal investigations, including but not limited to
26 21 undercover operations.
26 22 2. A claim for reimbursement for any out-of-state travel,
26 23 conference, or related expenditures shall only be allowed after
26 24 the occurrence of both of the following:
26 25 a. The electronic travel authorization form is approved by
26 26 the head of the employee's department.
26 27 b. The request for reimbursement is submitted by the
26 28 employee on the appropriate form with required approvals.
26 29 3. For purposes of this section, "executive branch employee"
26 30 means an employee of the executive branch as defined in section
26 31 7E.2, other than a member or employee of the state board of
26 32 regents and institutions under the control of the state board
26 33 of regents.
26 34 Sec. 44. Section 22.3A, subsection 1, paragraph e, Code
26 35 2011, is amended to read as follows:



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27 1 e. "Data processing software" means an ordered set of
27 2 instructions or statements that, when executed by a computer,
27 3 causes the computer to process data, and includes any program
27 4 or set of programs, procedures, or routines used to employ
27 5 and control capabilities of computer hardware. As used in
27 6 this paragraph "data processing software" includes but is not
27 7 limited to an operating system, compiler, assembler, utility,
27 8 library resource, maintenance routine, application, ~~or~~ computer
27 9 networking program, or the associated documentation.

27 10 Sec. 45. Section 80E.1, Code 2011, is amended to read as
27 11 follows:

27 12 80E.1 ~~Drug policy coordinator.~~ Duties.

27 13 1. ~~A drug policy coordinator shall be appointed by the~~
~~27 14 governor, subject to confirmation by the senate, and shall~~
~~27 15 serve at the pleasure of the governor. The governor shall fill~~
~~27 16 a vacancy in the office in the same manner as the original~~
~~27 17 appointment was made. The coordinator shall be selected~~
~~27 18 primarily for administrative ability. The coordinator shall~~
~~27 19 not be selected on the basis of political affiliation and shall~~
~~27 20 not engage in political activity while holding the office. The~~
~~27 21 salary of the coordinator shall be fixed by the governor.~~

27 22 2. 1. The ~~coordinator~~ department of public safety, in
27 23 coordination with the Iowa department of public health, shall:

27 24 a. ~~Direct the governor's office of drug control policy,~~
~~27 25 and coordinate~~ Coordinate and monitor all statewide narcotics
27 26 enforcement efforts, coordinate and monitor all state and
27 27 federal substance abuse treatment grants and programs,
27 28 coordinate and monitor all statewide substance abuse prevention
27 29 and education programs in communities and schools, and engage
27 30 in such other related activities as required by law. In
27 31 carrying out these responsibilities, the department shall
27 32 be primarily responsible for drug enforcement efforts and
27 33 activities, and the Iowa department of public health shall be
27 34 primarily responsible for drug abuse prevention and treatment
27 35 efforts and activities. The ~~coordinator~~ departments shall work



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28 1 in coordinating ~~the~~ their efforts ~~of the~~ with the department of
28 2 corrections, the department of education, ~~the Iowa department~~
~~28 3 of public health, the department of public safety, and the~~
28 4 department of human services. The ~~coordinator~~ departments
28 5 shall assist in the development and implementation of local and
28 6 community strategies to fight substance abuse, including local
28 7 law enforcement, education, and treatment activities.

28 8 b. Submit an annual report to the governor and general
28 9 assembly by November 1 of each year concerning the activities
28 10 and programs of the ~~coordinator~~ departments and other
28 11 departments related to drug enforcement, substance abuse
28 12 treatment programs, and substance abuse prevention and
28 13 education programs. The report shall include an assessment
28 14 of needs with respect to programs related to substance abuse
28 15 treatment and narcotics enforcement.

28 16 c. Submit an advisory budget recommendation to the governor
28 17 and general assembly concerning enforcement programs, treatment
28 18 programs, and education programs related to drugs within the
28 19 various departments. The ~~coordinator~~ departments shall work
28 20 with these departments in developing the departmental budget
28 21 requests to be submitted to the legislative services agency and
28 22 the general assembly.

28 23 Sec. 46. Section 80E.2, subsection 1, paragraphs a and e,
28 24 Code 2011, are amended to read as follows:

28 25 a. The ~~drug policy coordinator~~ commissioner, who shall serve
28 26 as chairperson of the council.

28 27 e. ~~The~~ A member jointly designated by the commissioner of
28 28 public safety, or the commissioner's designee and the director
28 29 of the Iowa department of public health.

28 30 Sec. 47. Section 99D.14, subsection 2, Code 2011, is amended
28 31 by adding the following new paragraph:

28 32 NEW PARAGRAPH. c. Notwithstanding sections 8.60 and 99D.17,
28 33 the portion of the fee paid pursuant to paragraph "a" relating
28 34 to the costs of the commission, shall not be deposited in the
28 35 general fund of the state but instead shall be deposited into



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29 1 the gaming regulatory revolving fund established in section
29 2 99F.20.
29 3 Sec. 48. Section 99F.10, subsection 4, Code 2011, is amended
29 4 by adding the following new paragraph:
29 5 NEW PARAGRAPH. c. Notwithstanding sections 8.60 and 99F.4,
29 6 the portion of the fee paid pursuant to paragraph "a" relating
29 7 to the costs of the commission, shall not be deposited in the
29 8 general fund of the state but instead shall be deposited into
29 9 the gaming regulatory revolving fund established in section
29 10 99F.20.
29 11 Sec. 49. NEW SECTION. 99F.20 Gaming regulatory revolving
29 12 fund.
29 13 1. A gaming regulatory revolving fund is created in
29 14 the state treasury under the control of the department of
29 15 inspections and appeals. The fund shall consist of fees
29 16 collected and deposited into the fund paid by licensees
29 17 pursuant to section 99D.14, subsection 2, paragraph "c", and
29 18 fees paid by licensees pursuant to section 99F.10, subsection
29 19 4, paragraph "c". All costs relating to racetrack, excursion
29 20 boat, and gambling structure regulation shall be paid from the
29 21 fund as provided in appropriations made for this purpose by
29 22 the general assembly. The department shall provide quarterly
29 23 reports to the department of management and the legislative
29 24 services agency specifying revenues billed and collected and
29 25 expenditures from the fund in a format as determined by the
29 26 department of management in consultation with the legislative
29 27 services agency.
29 28 2. To meet the department's cash flow needs, the department
29 29 may temporarily use funds from the general fund of the state
29 30 to pay expenses in excess of moneys available in the revolving
29 31 fund if those additional expenditures are fully reimbursable
29 32 and the department reimburses the general fund of the state
29 33 and ensures all moneys are repaid in full by the close of the
29 34 fiscal year. Notwithstanding any provision to the contrary,
29 35 the department shall, to the fullest extent possible, make



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30 1 an estimate of billings and make such billings as early as
30 2 possible in each fiscal year, so that the need for the use of
30 3 general fund moneys is minimized to the lowest extent possible.
30 4 Periodic billings shall be deemed sufficient to satisfy this
30 5 requirement. Because any general fund moneys used shall be
30 6 fully reimbursed, such temporary use of funds from the general
30 7 fund of the state shall not constitute an appropriation for
30 8 purposes of calculating the state general fund expenditure
30 9 limitation pursuant to section 8.54.

30 10 3. Section 8.33 does not apply to any moneys credited or
30 11 appropriated to the revolving fund from any other fund.

30 12 4. The establishment of the revolving fund pursuant to this
30 13 section shall not be interpreted in any manner to compromise
30 14 or impact the accountability of, or limit authority with
30 15 respect to, the department under state law. Any provision
30 16 applicable to, or responsibility of, the department shall not
30 17 be altered or impacted by the existence of the fund and shall
30 18 remain applicable to the same extent as if the department were
30 19 receiving moneys pursuant to a general fund appropriation.
30 20 The department shall comply with directions by the governor
30 21 to executive branch departments regarding restrictions on
30 22 out-of-state travel, hiring justifications, association
30 23 memberships, equipment purchases, consulting contracts, and
30 24 any other expenditure efficiencies that the governor deems
30 25 appropriate.

30 26 Sec. 50. Section 124.101, subsection 21, Code 2011, is
30 27 amended by striking the subsection.

30 28 Sec. 51. Section 124.212A, subsection 5, Code 2011, is
30 29 amended to read as follows:

30 30 5. Enter the purchaser's name, address, date of purchase,
30 31 time of purchase, name of the pseudoephedrine product
30 32 purchased, and the quantity sold in the electronic logbook. If
30 33 the electronic logbook is unavailable, an alternative record
30 34 shall be kept that complies with the rules adopted by both the
30 35 ~~office~~ department and the board.



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31 1 Sec. 52. Section 124.212B, subsections 1, 5, 8, and 9, Code
31 2 2011, are amended to read as follows:

31 3 1. The ~~office~~ department shall establish a real-time
31 4 electronic repository to monitor and control the sale of
31 5 schedule V products containing any detectable amount of
31 6 pseudoephedrine, its salts, or optical isomers, or salts
31 7 of optical isomers; ephedrine; or phenylpropanolamine. A
31 8 pharmacy dispensing such products shall report all such sales
31 9 electronically to a central repository under the control of the
31 10 ~~office~~ department.

31 11 5. If the electronic logbook is unavailable for use, a
31 12 paper record for each sale shall be maintained including
31 13 the purchaser's signature. Any paper record maintained by
31 14 the pharmacy shall be provided to the ~~office~~ department for
31 15 inclusion in the electronic real-time central repository as
31 16 soon as practicable.

31 17 8. Both the ~~office~~ department and the board shall adopt
31 18 rules to administer this section.

31 19 9. The ~~office~~ department shall report to the board on
31 20 an annual basis, beginning January 1, 2010, regarding the
31 21 repository, including the effectiveness of the repository in
31 22 discovering unlawful sales of pseudoephedrine products.

31 23 Sec. 53. Section 124.212C, subsections 1, 2, and 4, Code
31 24 2011, are amended to read as follows:

31 25 1. The ~~office~~ department shall establish a pseudoephedrine
31 26 advisory council to provide input and advise the ~~office~~
~~31 27~~ department regarding the implementation and maintenance of
31 28 the statewide real-time central repository established under
31 29 section 124.212B to monitor sales of pseudoephedrine. The
31 30 ~~office~~ department shall specify the duties, responsibilities,
31 31 and other related matters of the advisory council.

31 32 2. a. The council shall consist of four licensed
31 33 pharmacists. The ~~office~~ department shall solicit
31 34 recommendations for membership on the council from the Iowa
31 35 pharmacy association and Iowa retail federation, and shall



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32 1 appoint members from the recommendations. The council shall
32 2 include a member from an independent pharmacy, a member from
32 3 a regional chain pharmacy, and a member from a national chain
32 4 pharmacy. The license of any member must be current and not
32 5 subject to disciplinary sanctions.
32 6 b. The council shall also consist of four members of the
32 7 general assembly serving as ex officio, nonvoting members, one
32 8 representative to be appointed by the speaker of the house of
32 9 representatives, one representative to be appointed by the
32 10 minority leader of the house of representatives, one senator
32 11 to be appointed by the majority leader of the senate after
32 12 consultation with the president of the senate, and one senator
32 13 to be appointed by the minority leader of the senate.
32 14 4. The council shall do the following:
32 15 a. Assist the ~~office~~ department in implementing and
32 16 maintaining the statewide real-time central repository
32 17 monitoring system.
32 18 b. Assist the ~~office~~ department in developing utilization
32 19 guidance related to the statewide real-time central repository
32 20 monitoring system and disseminating such guidance.
32 21 c. Assist the ~~office~~ department in developing guidelines
32 22 to ensure patient confidentiality and the integrity of the
32 23 relationship established by the patient and the patient's
32 24 health care provider.
32 25 Sec. 54. Section 135.130, subsection 2, Code 2011, is
32 26 amended to read as follows:
32 27 2. A substance abuse treatment facility advisory council
32 28 is established within the department to advise and make
32 29 recommendations to the director regarding the establishment
32 30 and operation of a facility for persons with a substance
32 31 abuse problem who are on probation and to assist with the
32 32 implementation of treatment programs that are proven to
32 33 be effective for offenders. The substance abuse treatment
32 34 facility advisory council shall consist of the directors of the
32 35 eight judicial district departments of correctional services



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33 1 and one representative each from the judicial branch, the Iowa
33 2 department of public health, the department of corrections,
33 3 and the ~~governor's office of drug control policy~~ department of
33 4 public safety.

33 5 Sec. 55. Section 216A.132, subsection 1, Code 2011, is
33 6 amended to read as follows:

33 7 1. A criminal and juvenile justice planning advisory
33 8 council is established consisting of twenty=three members who
33 9 shall all reside in the state.

33 10 a. The governor shall appoint ~~seven~~ eight members each for
33 11 a four=year term beginning and ending as provided in section
33 12 69.19 and subject to confirmation by the senate as follows:

33 13 (1) Three persons, each of whom is a county supervisor,
33 14 county sheriff, mayor, nonsupervisory police officer, or a
33 15 chief of police of a department with less than eleven police
33 16 officers.

33 17 (2) Two persons who are knowledgeable about Iowa's juvenile
33 18 justice system.

33 19 (3) ~~One person~~ Two persons who ~~represents~~ represent the
33 20 general public and ~~is~~ are not employed in any law enforcement,
33 21 judicial, or corrections capacity.

33 22 (4) One person who is either a crime victim, or who
33 23 represents a crime victim organization.

33 24 b. The departments of human services, corrections, and
33 25 public safety, the office on the status of African Americans,
33 26 the department of public health, the chairperson of the board
33 27 of parole, the attorney general, and the state public defender,
~~33 28 and the governor's office of drug control policy~~ shall each
33 29 designate a person to serve on the council.

33 30 c. The chief justice of the supreme court shall designate
33 31 one member who is a district judge and one member who is
33 32 either a district associate judge or associate juvenile judge.
33 33 The chairperson and ranking member of the senate committee
33 34 on judiciary shall be members. In alternating four=year
33 35 intervals, the chairperson and ranking member of the house



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34 1 committee on judiciary or of the house committee on public
34 2 safety shall be members, with the chairperson and ranking
34 3 member of the house committee on public safety serving during
34 4 the initial interval. Nonlegislative members appointed
34 5 pursuant to this paragraph shall serve for four-year terms
34 6 beginning and ending as provided in section 69.19 unless the
34 7 member ceases to serve as a district court judge.
34 8 d. The Iowa county attorneys association shall designate a
34 9 person to serve on the council.
34 10 Sec. 56. Section 216A.140, subsection 5, Code 2011, is
34 11 amended to read as follows:
34 12 5. Membership. The youth development council membership
34 13 shall be determined by the council itself and shall include the
34 14 directors or chief administrators, or their designees, from the
34 15 following state agencies and programs:
34 16 a. Child advocacy board.
34 17 b. Iowa commission on volunteer service in the office of
34 18 the governor.
34 19 c. Department of education.
34 20 d. Department of human rights.
34 21 e. Department of human services.
34 22 f. Department of public health.
34 23 g. Department of public safety.
34 24 ~~g. h. Department of workforce development.~~
34 25 ~~h. Governor's office of drug control policy.~~
34 26 i. Iowa cooperative extension service in agriculture and
34 27 home economics.
34 28 j. Early childhood Iowa office in the department of
34 29 management.
34 30 Sec. 57. Section 217.20, Code 2011, is amended by striking
34 31 the section.
34 32 Sec. 58. Section 249A.7, subsection 3, as amended by 2011
34 33 Iowa Acts, House File 389, section 1, is amended by striking
34 34 the subsection and inserting in lieu thereof the following:
34 35 3. a. A Medicaid fraud fund is created in the state



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35 1 treasury under the authority of the department of inspections
35 2 and appeals. Moneys from penalties, investigative costs
35 3 recouped by the Medicaid fraud control unit, and other amounts
35 4 received as a result of prosecutions involving the department
35 5 of inspections and appeals investigations and audits to ensure
35 6 compliance with the medical assistance program that are not
35 7 credited to the program shall be credited to the fund.
35 8 b. Notwithstanding section 8.33, moneys credited to the
35 9 fund from any other account or fund shall not revert to the
35 10 other account or fund. Moneys in the fund shall only be used as
35 11 provided in appropriations from the fund and shall be used in
35 12 accordance with applicable laws, regulations, and the policies
35 13 of the office of inspector general of the United States
35 14 department of health and human services.
35 15 c. For the purposes of this subsection, "investigative
35 16 costs" means the reasonable value of a Medicaid fraud control
35 17 unit investigator's, auditor's or employee's time, any moneys
35 18 expended by the Medicaid fraud control unit, and the reasonable
35 19 fair market value of resources used or expended by the Medicaid
35 20 fraud control unit in a case resulting in a criminal conviction
35 21 of a provider under this chapter or chapter 714 or 715A.
35 22 Sec. 59. Section 542.3, subsection 1, paragraph a,
35 23 subparagraph (3), Code 2011, is amended to read as follows:
35 24 (3) ~~An examination of prospective financial information~~ Any
35 25 engagement to be performed in accordance with the statements on
35 26 standards for attestation engagements.
35 27 Sec. 60. Section 546.12, Code 2011, is amended to read as
35 28 follows:
35 29 546.12 Department of commerce revolving fund.
35 30 1. A department of commerce revolving fund is created in
35 31 the state treasury. The fund shall consist of moneys collected
35 32 by the banking division; credit union division; utilities
35 33 division, including moneys collected on behalf of the office
35 34 of consumer advocate established in section 475A.3; and the
35 35 insurance division of the department; and deposited into an



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36 1 account for that division or office within the fund on a
36 2 monthly basis. Except as otherwise provided by statute, all
36 3 costs for operating the office of consumer advocate and the
36 4 banking division, the credit union division, the utilities
36 5 division, and the insurance division of the department shall be
36 6 paid from the division's accounts within the fund, subject to
36 7 appropriation by the general assembly. The insurance division
36 8 shall administer the fund and all other divisions shall work
36 9 with the insurance division to make sure the fund is properly
36 10 accounted and reported to the department of management and the
36 11 department of administrative services. The divisions shall
36 12 provide quarterly reports to the department of management
36 13 and the legislative services agency on revenues billed and
36 14 collected and expenditures from the fund in a format as
36 15 determined by the department of management in consultation with
36 16 the legislative services agency.

36 17 2. To meet cash flow needs for the office of consumer
36 18 advocate and the banking division, credit union division,
36 19 utilities division, or the insurance division of the
36 20 department, the administrative head of that division or
36 21 office may temporarily use funds from the general fund of the
36 22 state to pay expenses in excess of moneys available in the
36 23 revolving fund for that division or office if those additional
36 24 expenditures are fully reimbursable and the division or office
36 25 reimburses the general fund of the state and ensures all
36 26 moneys are repaid in full by the close of the fiscal year.
36 27 Notwithstanding any provision to the contrary, the divisions
36 28 shall, to the fullest extent possible, make an estimate
36 29 of billings and make such billings as early as possible in
36 30 each fiscal year, so that the need for the use of general
36 31 fund moneys is minimized to the lowest extent possible.
36 32 Periodic billings shall be deemed sufficient to satisfy this
36 33 requirement. Because any general fund moneys used shall be
36 34 fully reimbursed, such temporary use of funds from the general
36 35 fund of the state shall not constitute an appropriation for



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37 1 purposes of calculating the state general fund expenditure

37 2 limitation pursuant to section 8.54.

37 3 3. Section 8.33 does not apply to any moneys credited or

37 4 appropriated to the revolving fund from any other fund.

37 5 4. The establishment of the revolving fund pursuant

37 6 to this section shall not be interpreted in any manner to

37 7 compromise or impact the accountability of, or limit authority

37 8 with respect to, an agency or entity under state law. Any

37 9 provision applicable to, or responsibility of, a division or

37 10 office collecting moneys for deposit into the fund established

37 11 pursuant to this section shall not be altered or impacted by

37 12 the existence of the fund and shall remain applicable to the

37 13 same extent as if the division or office were receiving moneys

37 14 pursuant to a general fund appropriation. Appropriations from

37 15 the revolving fund shall not be subject to the provisions of

37 16 section 8.31, subsection 5. The divisions of the department

37 17 of commerce shall comply with directions by the governor

37 18 to executive branch departments regarding restrictions on

37 19 out-of-state travel, hiring justifications, association

37 20 memberships, equipment purchases, consulting contracts, and

37 21 any other expenditure efficiencies that the governor deems

37 22 appropriate.

37 23 Sec. 61. Section 602.8108, subsection 4, Code 2011, is

37 24 amended to read as follows:

37 25 4. The clerk of the district court shall remit all moneys

37 26 collected from the drug abuse resistance education surcharge

37 27 provided in section 911.2 to the state court administrator

37 28 for deposit in the general fund of the state and the amount

37 29 deposited is appropriated to the ~~governor's office of drug~~

~~37 30 control policy~~ department of public safety for use by the drug

37 31 abuse resistance education program and other programs directed

37 32 for a similar purpose.

37 33 Sec. 62. Section 715C.2, subsection 1, Code 2011, is amended

37 34 to read as follows:

37 35 1. Any person who owns or licenses computerized data that



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38 1 includes a consumer's personal information that is used in
38 2 the course of the person's business, vocation, occupation,
38 3 or volunteer activities and that was subject to a breach
38 4 of security shall give notice of the breach of security
38 5 following discovery of such breach of security, or receipt
38 6 of notification under subsection 2, to any consumer whose
38 7 personal information was included in the information that was
38 8 breached. The consumer notification shall be made in the most
38 9 expeditious manner possible and without unreasonable delay,
38 10 consistent with the legitimate needs of law enforcement as
38 11 provided in subsection 3, and consistent with any measures
38 12 necessary to sufficiently determine contact information for
38 13 the affected consumers, determine the scope of the breach, and
38 14 restore the reasonable integrity, security, and confidentiality
38 15 of the data. A person required to provide notice of a breach
38 16 of security under this section shall also notify the attorney
38 17 general as to the timing, content, and distribution of the
38 18 notice to consumers and an approximate number of affected
38 19 consumers.

38 20 Sec. 63. Section 904.114, Code 2011, is amended to read as
38 21 follows:

38 22 904.114 Travel expenses.

38 23 The director, staff members, assistants, and employees, in
38 24 addition to salary, shall receive their necessary traveling
38 25 expenses by the nearest practicable route, when engaged in
38 26 the performance of official business. Permission shall not
38 27 be granted to any person to travel to another state except by
38 28 approval of the board ~~and the executive council.~~

38 29 Sec. 64. 2009 Iowa Acts, chapter 169, section 4, subsection
38 30 2, is amended to read as follows:

38 31 2. From the moneys appropriated in this section, there
38 32 is transferred to the department of human rights two
38 33 hundred fifty thousand dollars for deposit in the individual
38 34 development account state match fund created in section 541A.7.
38 35 Notwithstanding other provisions to the contrary in section



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39 1 541A.3, subsection 1, moneys appropriated to the individual
39 2 development account state match fund under this subsection
39 3 ~~shall~~ may be used to provide the state match to account holders
39 4 affected by a natural disaster occurring in 2008 for which the
39 5 president of the United States declared a disaster area, and
39 6 who have a household income that is equal to or less than three
39 7 hundred percent of the federal poverty level as defined by the
39 8 most recently revised poverty income guidelines published by
39 9 the United States department of health and human services.

39 10 Sec. 65. 2010 Iowa Acts, chapter 1193, section 29, is
39 11 amended to read as follows:

39 12 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES ====

39 13 INFORMATION TECHNOLOGY.
39 14 1. There is appropriated from the general fund of the state
39 15 to the department of administrative services for the fiscal
39 16 year beginning July 1, 2010, and ending June 30, 2011, the
39 17 following amount, or so much thereof as is necessary, to be
39 18 used for the purposes designated:

39 19 For implementing 2010 Iowa Acts, Senate File 2088, division
39 20 I, including salaries, support, maintenance, and miscellaneous
39 21 purposes:

39 22 \$ 2,300,000

39 23 2. Notwithstanding section 8.33, moneys appropriated in
39 24 this section that remain unencumbered or unobligated at the
39 25 close of the fiscal year ending June 30, 2011, shall not revert
39 26 but shall remain available for expenditure for the purposes
39 27 designated until the close of the fiscal year ending June 30,
39 28 2012.

39 29 Sec. 66. 2011 Iowa Acts, House File 45, section 8, is
39 30 amended to read as follows:

39 31 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The
39 32 Iowa telecommunications and technology commission shall
39 33 implement a request for proposals process to sell or lease
39 34 the Iowa communications network. The request for proposals
39 35 shall provide for the sale to be concluded or the lease



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40 1 to commence during the fiscal year beginning July 1, ~~2011~~
~~40 2 2012~~. The commission shall condition the sale or lease of
40 3 the Iowa communications network with terms that will allow
40 4 existing authorized users of the network to continue such
40 5 use at a lower overall long-term cost when compared to the
40 6 anticipated operation and maintenance costs if state ownership
40 7 and control were to continue. Public funds shall not be used
40 8 to secure the purchase of the network. The commission shall
40 9 submit periodic status reports to the general assembly at
40 10 three-month intervals, beginning on October 1, 2011, regarding
40 11 progress made toward selling or leasing the network. The prior
40 12 authorization and approval requirements specified in section
40 13 8D.12 shall be complied with prior to a sale or lease of the
40 14 network pursuant to this section.

40 15 Sec. 67. REPEAL. 2009 Iowa Acts, chapter 179, section 146,
40 16 is repealed.

40 17 Sec. 68. CODE EDITOR DIRECTIVE. The Code editor is directed
40 18 to change the words "state-owned" to "state=assigned", to the
40 19 extent not otherwise changed pursuant to this Act, in Code
40 20 sections 8A.362, 8A.363, 8A.364, and 8A.366.

40 21 Sec. 69. MEDICAID FRAUD FUND TRANSITION.

40 22 1. Unencumbered and unobligated moneys in and moneys
40 23 reverting to the Medicaid fraud account created in section
40 24 249A.7, Code 2011, on or after June 30, 2011, shall be credited
40 25 to the Medicaid fraud fund created in section 249A.7, by this
40 26 division of this Act.

40 27 2. The appropriations made from the Medicaid fraud account
40 28 for the fiscal years beginning July 1, 2011, and July 1, 2012,
40 29 shall instead be charged to the Medicaid fraud fund created in
40 30 section 249A.7, by this division of this Act.

40 31 3. This section of this Act, being deemed of immediate
40 32 importance, takes effect upon enactment, and, if this Act is
40 33 approved by the governor on or after July 1, 2011, subsection 1
40 34 of this section applies retroactively to June 30, 2011.

40 35 Sec. 70. EFFECTIVE UPON ENACTMENT.



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41 1 1. The section of this division of this Act directing the
41 2 department of administrative services to disconnect electricity
41 3 to the heated sidewalk installed at the state capitol building,
41 4 being deemed of immediate importance, takes effect upon
41 5 enactment.

41 6 2. The section of this division of this Act providing
41 7 implementation provisions regarding leasing authority of
41 8 the department of administrative services, being deemed of
41 9 immediate importance, takes effect upon enactment.

41 10 3. The sections of this division of this Act relating to
41 11 executive branch employee travel and travel reimbursement
41 12 implementation, being deemed of immediate importance, take
41 13 effect upon enactment.

41 14 4. The section of this division of this Act relating to
41 15 nonreversion of moneys appropriated to the department of
41 16 administrative services for implementation of 2010 Iowa Acts,
41 17 chapter 1031, division I, being deemed of immediate importance,
41 18 takes effect upon enactment.

41 19 DIVISION II

41 20 FY 2012=2013

41 21 Sec. 71. DEPARTMENT OF ADMINISTRATIVE SERVICES.

41 22 1. There is appropriated from the general fund of the state
41 23 to the department of administrative services for the fiscal
41 24 year beginning July 1, 2012, and ending June 30, 2013, the
41 25 following amounts, or so much thereof as is necessary, to be
41 26 used for the purposes designated, and for not more than the
41 27 following full-time equivalent positions:

41 28 a. For salaries, support, maintenance, and miscellaneous
41 29 purposes:

41 30 \$ 2,010,172
41 31 FTEs 84.18

41 32 b. For the payment of utility costs:

41 33 \$ 1,352,230
41 34 FTEs 1.00

41 35 Notwithstanding section 8.33, any excess funds appropriated



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42 1 for utility costs in this lettered paragraph shall not revert
42 2 to the general fund of the state at the end of the fiscal year
42 3 but shall remain available for expenditure for the purposes of
42 4 this lettered paragraph during the succeeding fiscal year.
42 5 c. For Terrace Hill operations:
42 6 \$ 202,957
42 7 FTEs 6.88
42 8 d. For the I3 distribution account:
42 9 \$ 1,638,973
42 10 e. For operations and maintenance of the Iowa building:
42 11 \$ 497,768
42 12 FTEs 7.00
42 13 2. Members of the general assembly serving as members of
42 14 the deferred compensation advisory board shall be entitled
42 15 to receive per diem and necessary travel and actual expenses
42 16 pursuant to section 2.10, subsection 5, while carrying out
42 17 their official duties as members of the board.
42 18 3. Any funds and premiums collected by the department for
42 19 workers' compensation shall be segregated into a separate
42 20 workers' compensation fund in the state treasury to be used
42 21 for payment of state employees' workers' compensation claims
42 22 and administrative costs. Notwithstanding section 8.33,
42 23 unencumbered or unobligated moneys remaining in this workers'
42 24 compensation fund at the end of the fiscal year shall not
42 25 revert but shall be available for expenditure for purposes of
42 26 the fund for subsequent fiscal years.
42 27 Sec. 72. REVOLVING FUNDS. There is appropriated to the
42 28 department of administrative services for the fiscal year
42 29 beginning July 1, 2012, and ending June 30, 2013, from the
42 30 revolving funds designated in chapter 8A and from internal
42 31 service funds created by the department such amounts as the
42 32 department deems necessary for the operation of the department
42 33 consistent with the requirements of chapter 8A.
42 34 Sec. 73. FUNDING FOR IOWACCESS.
42 35 1. Notwithstanding section 321A.3, subsection 1, for the



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43 1 fiscal year beginning July 1, 2012, and ending June 30, 2013,
43 2 the first \$750,000 collected and transferred by the department
43 3 of transportation to the treasurer of state with respect to the
43 4 fees for transactions involving the furnishing of a certified
43 5 abstract of a vehicle operating record under section 321A.3,
43 6 subsection 1, shall be transferred to the IowAccess revolving
43 7 fund for the purposes of developing, implementing, maintaining,
43 8 and expanding electronic access to government records as
43 9 provided by law.

43 10 2. All fees collected with respect to transactions
43 11 involving IowAccess shall be deposited in the IowAccess
43 12 revolving fund and shall be used only for the support of
43 13 IowAccess projects.

43 14 Sec. 74. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
43 15 CHARGE. For the fiscal year beginning July 1, 2012, and ending
43 16 June 30, 2013, the monthly per contract administrative charge
43 17 which may be assessed by the department of administrative
43 18 services shall be \$2 per contract on all health insurance plans
43 19 administered by the department.

43 20 Sec. 75. AUDITOR OF STATE.

43 21 1. There is appropriated from the general fund of the
43 22 state to the office of the auditor of state for the fiscal
43 23 year beginning July 1, 2012, and ending June 30, 2013, subject
43 24 to subsection 3 of this section, the following amount, or so
43 25 much thereof as is necessary, to be used for the purposes
43 26 designated, and for not more than the following full-time
43 27 equivalent positions:

43 28 For salaries, support, maintenance, and miscellaneous
43 29 purposes:

43 30	\$	407,461
43 31	FTEs	103.00

43 32 2. The auditor of state may retain additional full-time
43 33 equivalent positions as is reasonable and necessary to
43 34 perform governmental subdivision audits which are reimbursable
43 35 pursuant to section 11.20 or 11.21, to perform audits which are



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44 1 requested by and reimbursable from the federal government, and
44 2 to perform work requested by and reimbursable from departments
44 3 or agencies pursuant to section 11.5A or 11.5B. The auditor
44 4 of state shall notify the department of management, the
44 5 legislative fiscal committee, and the legislative services
44 6 agency of the additional full-time equivalent positions
44 7 retained.

44 8 3. The auditor of state shall allocate resources from the
44 9 appropriation in this section solely for audit work related to
44 10 the comprehensive annual financial report, federally required
44 11 audits, and investigations of embezzlement, theft, or other
44 12 significant financial irregularities until the audit of the
44 13 comprehensive annual financial report is complete.

44 14 Sec. 76. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
44 15 is appropriated from the general fund of the state to the
44 16 Iowa ethics and campaign disclosure board for the fiscal year
44 17 beginning July 1, 2012, and ending June 30, 2013, the following
44 18 amount, or so much thereof as is necessary, for the purposes
44 19 designated:

44 20 For salaries, support, maintenance, and miscellaneous
44 21 purposes, and for not more than the following full-time
44 22 equivalent positions:

44 23	\$	250,000
44 24	FTEs	5.00

44 25 Sec. 77. DEPARTMENT OF COMMERCE.

44 26 1. There is appropriated from the general fund of the
44 27 state to the department of commerce for the fiscal year
44 28 beginning July 1, 2012, and ending June 30, 2013, the following
44 29 amounts, or so much thereof as is necessary, for the purposes
44 30 designated:

44 31 a. ALCOHOLIC BEVERAGES DIVISION

44 32 (1) For salaries, support, maintenance, and miscellaneous
44 33 purposes, and for not more than the following full-time
44 34 equivalent positions:

44 35	\$	610,196
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45 1 FTEs 23.00
45 2 (2) Two of the full=time equivalent positions authorized
45 3 pursuant to subparagraph (1) shall be allocated for purposes
45 4 associated with the implementation of 2011 Iowa Acts, House
45 5 File 617.
45 6 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
45 7 For salaries, support, maintenance, and miscellaneous
45 8 purposes, and for not more than the following full=time
45 9 equivalent positions:
45 10 \$ 300,177
45 11 FTEs 12.00
45 12 2. There is appropriated from the department of commerce
45 13 revolving fund created in section 546.12 to the department of
45 14 commerce for the fiscal year beginning July 1, 2012, and ending
45 15 June 30, 2013, the following amounts, or so much thereof as is
45 16 necessary, for the purposes designated:
45 17 a. BANKING DIVISION
45 18 For salaries, support, maintenance, and miscellaneous
45 19 purposes, and for not more than the following full=time
45 20 equivalent positions:
45 21 \$ 4,425,835
45 22 FTEs 80.00
45 23 b. CREDIT UNION DIVISION
45 24 For salaries, support, maintenance, and miscellaneous
45 25 purposes, and for not more than the following full=time
45 26 equivalent positions:
45 27 \$ 863,998
45 28 FTEs 19.00
45 29 c. INSURANCE DIVISION
45 30 (1) For salaries, support, maintenance, and miscellaneous
45 31 purposes, and for not more than the following full=time
45 32 equivalent positions:
45 33 \$ 2,491,622
45 34 FTEs 106.50
45 35 (2) The insurance division may reallocate authorized



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46 1 full-time equivalent positions as necessary to respond to
46 2 accreditation recommendations or requirements. The insurance
46 3 division expenditures for examination purposes may exceed the
46 4 projected receipts, refunds, and reimbursements, estimated
46 5 pursuant to section 505.7, subsection 7, including the
46 6 expenditures for retention of additional personnel, if the
46 7 expenditures are fully reimbursable and the division first does
46 8 both of the following:
46 9 (a) Notifies the department of management, the legislative
46 10 services agency, and the legislative fiscal committee of the
46 11 need for the expenditures.
46 12 (b) Files with each of the entities named in subparagraph
46 13 division (a) the legislative and regulatory justification for
46 14 the expenditures, along with an estimate of the expenditures.
46 15 d. UTILITIES DIVISION
46 16 (1) For salaries, support, maintenance, and miscellaneous
46 17 purposes, and for not more than the following full-time
46 18 equivalent positions:
46 19 \$ 4,086,535
46 20 FTEs 79.00
46 21 (2) The utilities division may expend additional funds,
46 22 including funds for additional personnel, if those additional
46 23 expenditures are actual expenses which exceed the funds
46 24 budgeted for utility regulation and the expenditures are fully
46 25 reimbursable. Before the division expends or encumbers an
46 26 amount in excess of the funds budgeted for regulation, the
46 27 division shall first do both of the following:
46 28 (a) Notify the department of management, the legislative
46 29 services agency, and the legislative fiscal committee of the
46 30 need for the expenditures.
46 31 (b) File with each of the entities named in subparagraph
46 32 division (a) the legislative and regulatory justification for
46 33 the expenditures, along with an estimate of the expenditures.
46 34 (3) Notwithstanding sections 8.33 and 476.10 or any other
46 35 provisions to the contrary, any unencumbered or unobligated



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47 1 balance of the appropriation made in this paragraph for the
47 2 utilities division or any other operational appropriation made
47 3 for the fiscal year beginning July 1, 2012, and ending June
47 4 30, 2013, that remains unused, unencumbered, or unobligated at
47 5 the close of the fiscal year shall not revert but shall remain
47 6 available to be used for purposes of the energy=efficient
47 7 building project authorized under section 476.10B, or for
47 8 relocation costs in succeeding fiscal years.

47 9 3. CHARGES. Each division and the office of consumer
47 10 advocate shall include in its charges assessed or revenues
47 11 generated an amount sufficient to cover the amount stated
47 12 in its appropriation and any state=assessed indirect costs
47 13 determined by the department of administrative services.

47 14 Sec. 78. DEPARTMENT OF COMMERCE ==== PROFESSIONAL LICENSING
47 15 AND REGULATION BUREAU. There is appropriated from the housing
47 16 trust fund of the Iowa finance authority created in section
47 17 16.181, to the bureau of professional licensing and regulation
47 18 of the banking division of the department of commerce for the
47 19 fiscal year beginning July 1, 2012, and ending June 30, 2013,
47 20 the following amount, or so much thereof as is necessary, to be
47 21 used for the purposes designated:

47 22 For salaries, support, maintenance, and miscellaneous
47 23 purposes:

47 24 \$ 31,159

47 25 Sec. 79. GOVERNOR AND LIEUTENANT GOVERNOR. There is
47 26 appropriated from the general fund of the state to the offices
47 27 of the governor and the lieutenant governor for the fiscal year
47 28 beginning July 1, 2012, and ending June 30, 2013, the following
47 29 amounts, or so much thereof as is necessary, to be used for the
47 30 purposes designated:

47 31 For salaries, support, maintenance, and miscellaneous
47 32 purposes:

47 33 \$ 1,149,534

47 34 FTEs 22.88

47 35 Sec. 80. DEPARTMENT OF HUMAN RIGHTS. There is appropriated



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48 1 from the general fund of the state to the department of human
48 2 rights for the fiscal year beginning July 1, 2012, and ending
48 3 June 30, 2013, the following amounts, or so much thereof as is
48 4 necessary, to be used for the purposes designated:
48 5 1. CENTRAL ADMINISTRATION DIVISION
48 6 For salaries, support, maintenance, and miscellaneous
48 7 purposes, and for not more than the following full-time
48 8 equivalent positions:
48 9 \$ 103,052
48 10 FTEs 7.00
48 11 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
48 12 For salaries, support, maintenance, and miscellaneous
48 13 purposes, and for not more than the following full-time
48 14 equivalent positions:
48 15 \$ 528,396
48 16 FTEs 17.00
48 17 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
48 18 For salaries, support, maintenance, and miscellaneous
48 19 purposes, and for not more than the following full-time
48 20 equivalent positions:
48 21 \$ 536,946
48 22 FTEs 10.00
48 23 The criminal and juvenile justice planning advisory council
48 24 and the juvenile justice advisory council shall coordinate
48 25 their efforts in carrying out their respective duties relative
48 26 to juvenile justice.
48 27 Sec. 81. DEPARTMENT OF INSPECTIONS AND APPEALS. There
48 28 is appropriated from the general fund of the state to the
48 29 department of inspections and appeals for the fiscal year
48 30 beginning July 1, 2012, and ending June 30, 2013, the following
48 31 amounts, or so much thereof as is necessary, for the purposes
48 32 designated:
48 33 1. ADMINISTRATION DIVISION
48 34 For salaries, support, maintenance, and miscellaneous
48 35 purposes, and for not more than the following full-time



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49 1 equivalent positions:
49 2 \$ 763,870
49 3 FTEs 37.40
49 4 2. ADMINISTRATIVE HEARINGS DIVISION
49 5 For salaries, support, maintenance, and miscellaneous
49 6 purposes, and for not more than the following full=tim
49 7 equivalent positions:
49 8 \$ 276,987
49 9 FTEs 23.00
49 10 3. INVESTIGATIONS DIVISION
49 11 a. For salaries, support, maintenance, and miscellaneous
49 12 purposes, and for not more than the following full=tim
49 13 equivalent positions:
49 14 \$ 584,320
49 15 FTEs 58.50
49 16 b. The department, in coordination with the investigations
49 17 division, shall provide a report to the general assembly by
49 18 January 10, 2013, concerning the fiscal impact of additional
49 19 full=tim equivalent positions on the department's efforts
49 20 relative to the Medicaid divestiture program under chapter
49 21 249F.
49 22 4. HEALTH FACILITIES DIVISION
49 23 a. For salaries, support, maintenance, and miscellaneous
49 24 purposes, and for not more than the following full=tim
49 25 equivalent positions:
49 26 \$ 1,781,370
49 27 FTEs 134.75
49 28 b. The department shall, in coordination with the health
49 29 facilities division, make the following information available
49 30 to the public in a timely manner, to include providing the
49 31 information on the department's internet website, during the
49 32 fiscal year beginning July 1, 2012, and ending June 30, 2013:
49 33 (1) The number of inspections conducted by the division
49 34 annually by type of service provider and type of inspection.
49 35 (2) The total annual operations budget for the division,



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50 1 including general fund appropriations and federal contract
50 2 dollars received by type of service provider inspected.
50 3 (3) The total number of full=time equivalent positions in
50 4 the division, to include the number of full=time equivalent
50 5 positions serving in a supervisory capacity, and serving as
50 6 surveyors, inspectors, or monitors in the field by type of
50 7 service provider inspected.
50 8 (4) Identification of state and federal survey trends,
50 9 cited regulations, the scope and severity of deficiencies
50 10 identified, and federal and state fines assessed and collected
50 11 concerning nursing and assisted living facilities and programs.
50 12 c. It is the intent of the general assembly that the
50 13 department and division continuously solicit input from
50 14 facilities regulated by the division to assess and improve
50 15 the division's level of collaboration and to identify new
50 16 opportunities for cooperation.
50 17 5. EMPLOYMENT APPEAL BOARD
50 18 a. For salaries, support, maintenance, and miscellaneous
50 19 purposes, and for not more than the following full=time
50 20 equivalent positions:
50 21 \$ 21,108
50 22 FTEs 14.00
50 23 b. The employment appeal board shall be reimbursed by
50 24 the labor services division of the department of workforce
50 25 development for all costs associated with hearings conducted
50 26 under chapter 91C, related to contractor registration. The
50 27 board may expend, in addition to the amount appropriated under
50 28 this subsection, additional amounts as are directly billable
50 29 to the labor services division under this subsection and to
50 30 retain the additional full=time equivalent positions as needed
50 31 to conduct hearings required pursuant to chapter 91C.
50 32 6. CHILD ADVOCACY BOARD
50 33 a. For foster care review and the court appointed special
50 34 advocate program, including salaries, support, maintenance, and
50 35 miscellaneous purposes, and for not more than the following



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51 1 full=time equivalent positions:
51 2 \$ 1,397,237
51 3 FTEs 40.80
51 4 b. The department of human services, in coordination with
51 5 the child advocacy board and the department of inspections and
51 6 appeals, shall submit an application for funding available
51 7 pursuant to Tit. IV=E of the federal Social Security Act for
51 8 claims for child advocacy board administrative review costs.
51 9 c. The court appointed special advocate program shall
51 10 investigate and develop opportunities for expanding
51 11 fund=raising for the program.
51 12 d. Administrative costs charged by the department of
51 13 inspections and appeals for items funded under this subsection
51 14 shall not exceed 4 percent of the amount appropriated in this
51 15 subsection.
51 16 Sec. 82. DEPARTMENT OF INSPECTIONS AND APPEALS ==== MUNICIPAL
51 17 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
51 18 July 1, 2012, and ending June 30, 2013, the department of
51 19 inspections and appeals shall retain any license fees generated
51 20 during the fiscal year as a result of actions under section
51 21 137F.3A occurring during the period beginning July 1, 2009,
51 22 and ending June 30, 2011, for the purpose of enforcing the
51 23 provisions of chapters 137C, 137D, and 137F.
51 24 Sec. 83. DEPARTMENT OF INSPECTIONS AND APPEALS ====
51 25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
51 26 provision of section 135C.16 to the contrary, inspections of
51 27 health care facilities that are only state=licensed and not
51 28 certified under the Medicare or Medicaid programs shall not be
51 29 inspected by the department of inspections and appeals every
51 30 thirty months, but only as provided pursuant to sections 135C.9
51 31 and 135C.38.
51 32 Sec. 84. DEPARTMENT OF INSPECTIONS AND APPEALS ==== GENERAL
51 33 SUPPORT ==== MEDICAID FRAUD FUND APPROPRIATION. There is
51 34 appropriated from the Medicaid fraud fund created in section
51 35 249A.7 to the department of inspections and appeals for the



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52 1 fiscal year beginning July 1, 2012, and ending June 30, 2013,
52 2 the following amount, or so much thereof as is necessary, to be
52 3 used for the purposes designated:
52 4 For additional health facility surveyors, compliance
52 5 officers, and residential care facility surveyors:
52 6 \$ 325,000
52 7 Sec. 85. DEPARTMENT OF INSPECTIONS AND APPEALS ==== STATE
52 8 MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND APPROPRIATION. There
52 9 is appropriated from the Medicaid fraud fund created in section
52 10 249A.7 to the department of inspections and appeals for the
52 11 fiscal year beginning July 1, 2012, and ending June 30, 2013,
52 12 the amounts necessary for the purposes designated:
52 13 1. To cover the cost of any state match to draw down
52 14 matching federal funds through the department of human services
52 15 for additional full-time equivalent positions for conducting
52 16 investigations of alleged fraud and overpayments of food
52 17 assistance benefits through electronic benefits transfer.
52 18 2. For the state financial match requirement for meeting
52 19 the federal mandates connected with the department's Medicaid
52 20 fraud and abuse activities, and the amount necessary to cover
52 21 costs incurred by the department or other agencies in providing
52 22 regulation, responding to allegations, or other activity
52 23 involving chapter 1350.
52 24 Sec. 86. DEPARTMENT OF INSPECTIONS AND APPEALS
52 25 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
52 26 APPROPRIATION. There is appropriated from the Medicaid fraud
52 27 fund created in section 249A.7 to the department of inspections
52 28 and appeals for the fiscal year beginning July 1, 2012, and
52 29 ending June 30, 2013, the following amount, or so much thereof
52 30 as is necessary, to be used for the purposes designated:
52 31 For salaries, support, maintenance, miscellaneous purposes,
52 32 administration, and other costs associated with implementation
52 33 of 2010 Iowa Acts, chapter 1177:
52 34 \$ 125,000
52 35 Sec. 87. RACING AND GAMING COMMISSION.



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53 1 1. RACETRACK REGULATION

53 2 There is appropriated from the gaming regulatory revolving
53 3 fund established in section 99F.20 to the racing and gaming
53 4 commission of the department of inspections and appeals for the
53 5 fiscal year beginning July 1, 2012, and ending June 30, 2013,
53 6 the following amount, or so much thereof as is necessary, to be
53 7 used for the purposes designated:

53 8 For salaries, support, maintenance, and miscellaneous
53 9 purposes for the regulation of pari-mutuel racetracks, and for
53 10 not more than the following full-time equivalent positions:
53 11 \$ 1,255,720
53 12 FTEs 28.53

53 13 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

53 14 There is appropriated from the gaming regulatory revolving
53 15 fund established in section 99F.20 to the racing and gaming
53 16 commission of the department of inspections and appeals for the
53 17 fiscal year beginning July 1, 2012, and ending June 30, 2013,
53 18 the following amount, or so much thereof as is necessary, to be
53 19 used for the purposes designated:

53 20 For salaries, support, maintenance, and miscellaneous
53 21 purposes for administration and enforcement of the excursion
53 22 boat gambling and gambling structure laws, and for not more
53 23 than the following full-time equivalent positions:
53 24 \$ 1,539,050
53 25 FTEs 44.22

53 26 Sec. 88. ROAD USE TAX FUND APPROPRIATION ==== DEPARTMENT OF
53 27 INSPECTIONS AND APPEALS. There is appropriated from the road
53 28 use tax fund created in section 312.1 to the administrative
53 29 hearings division of the department of inspections and appeals
53 30 for the fiscal year beginning July 1, 2012, and ending June 30,
53 31 2013, the following amount, or so much thereof as is necessary,
53 32 for the purposes designated:

53 33 For salaries, support, maintenance, and miscellaneous
53 34 purposes:
53 35 \$ 811,949



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54 1 Sec. 89. DEPARTMENT OF MANAGEMENT.

54 2 1. There is appropriated from the general fund of the state
54 3 to the department of management for the fiscal year beginning
54 4 July 1, 2012, and ending June 30, 2013, the following amounts,
54 5 or so much thereof as is necessary, to be used for the purposes
54 6 designated:

54 7 For salaries, support, maintenance, and miscellaneous
54 8 purposes, and for not more than the following full=time
54 9 equivalent positions:

54 10 \$ 1,211,999
54 11 FTEs 25.00

54 12 2. Of the moneys appropriated in this section, the
54 13 department shall use a portion for enterprise resource
54 14 planning, providing for a salary model administrator,
54 15 conducting performance audits, and for the department's LEAN
54 16 process.

54 17 Sec. 90. ROAD USE TAX APPROPRIATION ==== DEPARTMENT OF
54 18 MANAGEMENT. There is appropriated from the road use tax fund
54 19 created in section 312.1 to the department of management for
54 20 the fiscal year beginning July 1, 2012, and ending June 30,
54 21 2013, the following amount, or so much thereof as is necessary,
54 22 to be used for the purposes designated:

54 23 For salaries, support, maintenance, and miscellaneous
54 24 purposes:

54 25 \$ 28,000

54 26 Sec. 91. DEPARTMENT OF REVENUE.

54 27 1. There is appropriated from the general fund of the state
54 28 to the department of revenue for the fiscal year beginning July
54 29 1, 2012, and ending June 30, 2013, the following amounts, or
54 30 so much thereof as is necessary, to be used for the purposes
54 31 designated:

54 32 For salaries, support, maintenance, and miscellaneous
54 33 purposes, and for not more than the following full=time
54 34 equivalent positions:

54 35 \$ 8,852,730



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55 1 FTEs 303.48
55 2 2. Of the funds appropriated pursuant to this section,
55 3 \$400,000 shall be used to pay the direct costs of compliance
55 4 related to the collection and distribution of local sales and
55 5 services taxes imposed pursuant to chapters 423B and 423E.
55 6 3. The director of revenue shall prepare and issue a state
55 7 appraisal manual and the revisions to the state appraisal
55 8 manual as provided in section 421.17, subsection 17, without
55 9 cost to a city or county.
55 10 Sec. 92. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
55 11 appropriated from the motor fuel tax fund created by section
55 12 452A.77 to the department of revenue for the fiscal year
55 13 beginning July 1, 2012, and ending June 30, 2013, the following
55 14 amount, or so much thereof as is necessary, to be used for the
55 15 purposes designated:
55 16 For salaries, support, maintenance, miscellaneous purposes,
55 17 and for administration and enforcement of the provisions of
55 18 chapter 452A and the motor vehicle use tax program:
55 19 \$ 652,888
55 20 Sec. 93. SECRETARY OF STATE.
55 21 1. There is appropriated from the general fund of the state
55 22 to the office of the secretary of state for the fiscal year
55 23 beginning July 1, 2012, and ending June 30, 2013, the following
55 24 amounts, or so much thereof as is necessary, to be used for the
55 25 purposes designated:
55 26 For salaries, support, maintenance, and miscellaneous
55 27 purposes, and for not more than the following full-time
55 28 equivalent positions:
55 29 \$ 1,430,293
55 30 FTEs 45.00
55 31 2. The state department or state agency which provides
55 32 data processing services to support voter registration file
55 33 maintenance and storage shall provide those services without
55 34 charge.
55 35 Sec. 94. SECRETARY OF STATE FILING FEES REFUND.



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56 1 Notwithstanding the obligation to collect fees pursuant to the
56 2 provisions of section 490.122, subsection 1, paragraphs "a" and
56 3 "s", and section 504.113, subsection 1, paragraphs "a", "c",
56 4 "d", "j", "k", "l", and "m", for the fiscal year beginning July
56 5 1, 2012, the secretary of state may refund these fees to the
56 6 filer pursuant to rules established by the secretary of state.
56 7 The decision of the secretary of state not to issue a refund
56 8 under rules established by the secretary of state is final and
56 9 not subject to review pursuant to chapter 17A.

56 10 Sec. 95. TREASURER.

56 11 1. There is appropriated from the general fund of the
56 12 state to the office of treasurer of state for the fiscal year
56 13 beginning July 1, 2012, and ending June 30, 2013, the following
56 14 amount, or so much thereof as is necessary, to be used for the
56 15 purposes designated:

56 16 For salaries, support, maintenance, and miscellaneous
56 17 purposes, and for not more than the following full-time
56 18 equivalent positions:

56 19	\$	427,145
56 20	FTEs	28.80

56 21 2. The office of treasurer of state shall supply clerical
56 22 and secretarial support for the executive council.

56 23 Sec. 96. ROAD USE TAX APPROPRIATION ==== OFFICE OF TREASURER
56 24 OF STATE. There is appropriated from the road use tax fund
56 25 created in section 312.1 to the office of treasurer of state
56 26 for the fiscal year beginning July 1, 2012, and ending June 30,
56 27 2013, the following amount, or so much thereof as is necessary,
56 28 to be used for the purposes designated:

56 29 For enterprise resource management costs related to the
56 30 distribution of road use tax funds:

56 31	\$	46,574
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56 32 Sec. 97. IPERS ==== GENERAL OFFICE. There is appropriated
56 33 from the Iowa public employees' retirement system fund to the
56 34 Iowa public employees' retirement system for the fiscal year
56 35 beginning July 1, 2012, and ending June 30, 2013, the following



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57 1 amount, or so much thereof as is necessary, to be used for the
57 2 purposes designated:

57 3 For salaries, support, maintenance, and other operational
57 4 purposes to pay the costs of the Iowa public employees'
57 5 retirement system, and for not more than the following
57 6 full-time equivalent positions:

57 7 \$ 8,843,484
57 8 FTEs 90.13

57 9 DIVISION III

57 10 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

57 11 Sec. 98. EFFECTIVE DATE AND RETROACTIVE

57 12 APPLICABILITY. Unless otherwise provided, this Act, if
57 13 approved by the governor on or after July 1, 2011, takes effect
57 14 upon enactment and applies retroactively to July 1, 2011.

57 15 EXPLANATION

57 16 ADMINISTRATION AND REGULATION ==== FY 2011=2012. This
57 17 division of the bill relates to and appropriates moneys to
57 18 various state departments, agencies, and funds for the fiscal
57 19 year beginning July 1, 2011, and ending June 30, 2012. The
57 20 division makes appropriations to state departments and agencies
57 21 including the department of administrative services, auditor of
57 22 state, Iowa ethics and campaign disclosure board, department
57 23 of commerce, offices of governor and lieutenant governor, the
57 24 department of human rights, department of inspections and
57 25 appeals, department of management, department of revenue,
57 26 secretary of state, treasurer of state, and Iowa public
57 27 employees' retirement system.

57 28 The division appropriates moneys from the IowAccess
57 29 revolving fund to the office of the secretary of state for
57 30 costs associated with decennial redistricting for the fiscal
57 31 year beginning July 1, 2011, and ending June 30, 2012.

57 32 The division directs the auditor of state to allocate
57 33 resources from amounts appropriated in the bill solely for
57 34 audit work related to the comprehensive annual financial
57 35 report, federally required audits, and investigations



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58 1 of embezzlement, theft, or other significant financial
58 2 irregularities until the audit of the comprehensive annual
58 3 financial report is complete.

58 4 The division allocates a portion of moneys appropriated to
58 5 the alcoholic beverages division to establish and implement
58 6 a web-based alcohol compliance employee training program for
58 7 alcoholic beverage sales personnel.

58 8 The division provides for the nonreversion of moneys
58 9 previously appropriated for an energy-efficient building
58 10 project undertaken by the utilities division of the department
58 11 of commerce.

58 12 The division directs the department of administrative
58 13 services to disconnect electricity to the heated sidewalk
58 14 installed in the entry walkway on the East side of the state
58 15 capitol building, and not to reconnect the electricity without
58 16 the authorization of the general assembly.

58 17 The division eliminates provisions relating to state
58 18 purchases of recycled and soybean-based products, and reporting
58 19 requirements related thereto.

58 20 The division modifies provisions relating to the awarding
58 21 of state construction contracts to provide for disclosure
58 22 to the state agency awarding the contract the names of
58 23 all subcontractors and suppliers, and modifies related
58 24 requirements.

58 25 The division modifies a provision relating to the leasing of
58 26 building and office space by the department of administrative
58 27 services at the seat of government to refer to buildings
58 28 and office space wherever located throughout the state, and
58 29 provides that the director of the department shall develop
58 30 cooperative relationships with the state board of regents
58 31 in order to promote colocation of state agencies. The
58 32 division specifies implementation provisions relating to these
58 33 modifications.

58 34 The division requires the department of administrative
58 35 services to implement a request for proposals by September 30,



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59 1 2011, to enter into a contract for the purpose of renting or
59 2 leasing state passenger vehicles, as defined in the division,
59 3 from a private entity with sufficient inventory and personnel
59 4 to accommodate the needs of the state. The division provides
59 5 that by March 1, 2012, the department shall award a contract
59 6 for rental or leasing to the private entity, and assign
59 7 passenger vehicles for rental or lease, to the extent the
59 8 department determines doing so would be economically feasible
59 9 and financially advantageous. If a contract is entered into,
59 10 the division states that all state=assigned passenger vehicles
59 11 located in any county which can support the operation of a
59 12 rental and leasing entity, which the department determines
59 13 would be suitable for rental or leasing, shall be returned to
59 14 the department for sale or disposal by the private entity.
59 15 The division absolves the private entity from liability to
59 16 a third party due to negligence on the part of the state
59 17 or its employees, and requires the department to evaluate
59 18 the economic advantages of state ownership versus rental or
59 19 leasing and adjust the number of vehicles subject to the
59 20 contract accordingly. The division makes conforming changes
59 21 consistent with these provisions, and eliminates Code section
59 22 8A.362, subsection 5, which requires that a minimum of 10
59 23 percent of new state=owned passenger vehicles and light pickup
59 24 trucks shall be equipped with engines which utilize specified
59 25 alternative methods of propulsion.
59 26 The division directs the department of administrative
59 27 services to develop and maintain an electronic travel
59 28 authorization form to be used for any executive branch
59 29 employee's out=of=state travel, conference, or related
59 30 expenditures associated with the employee's official duties,
59 31 and a searchable database available on the department's
59 32 internet site containing specified travel=related information.
59 33 The division states that a claim for reimbursement for any
59 34 out=of=state travel, conference, or related expenditures shall
59 35 only be allowed after the electronic travel authorization form



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60 1 is approved by the head of the employee's department, and the
60 2 request for reimbursement is submitted by the employee on the
60 3 appropriate form with required approvals. "Executive branch
60 4 employee" is defined as an employee of the executive branch as
60 5 defined in Code section 7E.2, other than a member or employee
60 6 of the state board of regents and institutions under the
60 7 control of the state board of regents. The division specifies
60 8 implementation provisions relating to these modifications.

60 9 The division adds to a definition of "data processing
60 10 software" contained in Code section 22.3A, subsection 1,
60 11 paragraph "e", associated documentation in relation to an
60 12 operating system, compiler, assembler, utility, library
60 13 resource, maintenance routine, application, or computer
60 14 networking program.

60 15 The division eliminates the governor's office of drug
60 16 control policy, transferring responsibilities in relation
60 17 thereto to the department of public safety, in conjunction with
60 18 the Iowa department of public health, and making conforming
60 19 changes consistent with this elimination.

60 20 The division adds to a provision relating to providing
60 21 notice of a breach of security contained in Code section
60 22 715C.2, subsection 1, that notice shall also be provided to the
60 23 attorney general as to the timing, content, and distribution of
60 24 the notice to consumers and an approximate number of affected
60 25 consumers.

60 26 The division establishes a new gaming regulatory revolving
60 27 fund in the state treasury under the control of the department
60 28 of inspections and appeals, consisting of fees collected and
60 29 deposited into the fund paid by pari-mutuel wagering licensees
60 30 pursuant to Code section 99D.14, subsection 2, paragraph
60 31 "b", and fees paid by gambling boat and racetrack licensees
60 32 pursuant to Code section 99F.10, subsection 4, paragraph "b".
60 33 The division specifies that all costs relating to racetrack,
60 34 excursion boat, and gambling structure regulation shall be
60 35 paid from the fund as provided in appropriations made for



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61 1 this purpose by the general assembly. The division makes
61 2 conforming Code modifications consistent with this provision.
61 3 The division additionally provides reporting requirements
61 4 and billing estimate requirements regarding the revolving
61 5 fund, and states that the establishment of the revolving
61 6 fund shall not be interpreted in any manner to compromise or
61 7 impact the accountability of, and limitation of authority with
61 8 respect to, the department under state law. The bill adds
61 9 similar requirements in relation to the department of commerce
61 10 revolving fund established in Code section 546.12.

61 11 The division changes the Medicaid fraud account established
61 12 in Code section 249A.7 to the Medicaid fraud fund, provides
61 13 conforming and transition provisions, makes specified
61 14 appropriations from the fund, and provides specified immediate
61 15 effective and retroactive applicability provisions.

61 16 The division provides that moneys transferred pursuant to
61 17 2009 Iowa Acts, chapter 169, section 4, subsection 2, may,
61 18 rather than shall, be used to provide the state match to
61 19 individual account holders affected by a natural disaster
61 20 occurring in 2008 and declared a disaster area.

61 21 The division provides for the nonreversion of moneys
61 22 appropriated in 2010 Iowa Acts, Senate File 2088, division I,
61 23 until the close of the fiscal year ending June 30, 2012.

61 24 The division modifies provisions enacted in 2011 Iowa Acts,
61 25 House File 45, section 8, relating to the sale or lease of the
61 26 Iowa communications network, to extend the date by which the
61 27 sale is to be concluded or the lease commenced from during
61 28 the fiscal year beginning July 1, 2011, to July 1, 2012. The
61 29 division further specifies that a sale or lease shall not take
61 30 place without being authorized by the general assembly and
61 31 approved by the governor as specified in Code section 8D.12.

61 32 The division repeals a sunset provision enacted during
61 33 the 2009 legislative session applicable to the department of
61 34 commerce revolving fund established in Code section 546.12.

61 35 The sunset provision currently repeals the Code section



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62 1 effective July 1, 2011.

62 2 The division provides that the sections of the division
62 3 relating to disconnecting electricity to the specified
62 4 Capitol building sidewalk, providing implementation provisions
62 5 regarding leasing authority of the department of administrative
62 6 services and executive branch employee travel and travel
62 7 reimbursement, and relating to nonreversion of moneys
62 8 appropriated to the department of administrative services for
62 9 implementation of 2010 Iowa Acts, chapter 1031, division I,
62 10 take effect upon enactment.

62 11 ADMINISTRATION AND REGULATION ==== FY 2012=2013. This
62 12 division of the bill relates to and appropriates moneys to
62 13 various state departments, agencies, and funds for the fiscal
62 14 year beginning July 1, 2012, and ending June 30, 2013. The
62 15 division makes appropriations to state departments and agencies
62 16 including the department of administrative services, auditor of
62 17 state, Iowa ethics and campaign disclosure board, department
62 18 of commerce, offices of governor and lieutenant governor, the
62 19 department of human rights, department of inspections and
62 20 appeals, department of management, department of revenue,
62 21 secretary of state, treasurer of state, and Iowa public
62 22 employees' retirement system.

62 23 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

62 24 Unless otherwise provided, the bill, if approved by the
62 25 governor on or after July 1, 2011, takes effect upon enactment
62 26 and applies retroactively to July 1, 2011.

LSB 2818SV (4) 84

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Senate File 541 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1215)

A BILL FOR

1 An Act relating to and making, reducing, and transferring
2 appropriations to state departments and agencies from
3 the rebuild Iowa infrastructure fund, the technology
4 reinvestment fund, the revenue bonds capitals fund, and
5 other funds, providing for related matters and including
6 effective date and retroactive applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2823SV (2) 84
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PAG LIN

1 1 DIVISION I
1 2 REBUILD IOWA INFRASTRUCTURE FUND
1 3 Section 1. There is appropriated from the rebuild Iowa
1 4 infrastructure fund to the following departments and agencies
1 5 for the following fiscal years, the following amounts, or so
1 6 much thereof as is necessary, to be used for the purposes
1 7 designated:
1 8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 9 For projects related to major repairs and major maintenance
1 10 and for state buildings and facilities:
1 11 FY 2011=2012..... \$ 3,000,000
1 12 a. Of the amount appropriated in this subsection,
1 13 \$1,200,000 shall be allocated for exterior repairs and related
1 14 improvements to the state historical building.
1 15 b. The department may use any remaining amounts
1 16 appropriated in this subsection for routine maintenance
1 17 as necessary, notwithstanding section 8.57, subsection 6,
1 18 paragraph "c".
1 19 2. DEPARTMENT FOR THE BLIND
1 20 For replacement of air handlers and related improvements:
1 21 FY 2011=2012..... \$ 1,065,674
1 22 3. DEPARTMENT OF CORRECTIONS
1 23 a. For the construction project and one-time furniture,
1 24 fixture, and equipment costs at Fort Madison:
1 25 FY 2011=2012..... \$ 5,155,077
1 26 FY 2012=2013..... \$ 18,269,124
1 27 FY 2013=2014..... \$ 3,000,000
1 28 b. For the construction project and one-time equipment
1 29 costs at the Iowa correctional facility for women at
1 30 Mitchellville:
1 31 FY 2011=2012..... \$ 3,361,556
1 32 FY 2012=2013..... \$ 5,391,062
1 33 FY 2013=2014..... \$ 26,769,040
1 34 4. DEPARTMENT OF CULTURAL AFFAIRS
1 35 For deposit into the Iowa great places program fund created



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2 1 in section 303.3D for Iowa great places program projects that
2 2 meet the definition of the term "vertical infrastructure" in
2 3 section 8.57, subsection 6, paragraph "c":
2 4 FY 2011=2012..... \$ 1,000,000
2 5 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
2 6 a. For accelerated career education program capital
2 7 projects at community colleges that are authorized under
2 8 chapter 260G and that meet the definition of vertical
2 9 infrastructure in section 8.57, subsection 6, paragraph "c":
2 10 FY 2011=2012..... \$ 5,000,000
2 11 b. For equal distribution to regional sports authority
2 12 districts certified by the department pursuant to section
2 13 15E.321, notwithstanding section 8.57, subsection 6, paragraph
2 14 "c":
2 15 FY 2011=2012..... \$ 500,000
2 16 c. For costs associated with the renovation, expansion,
2 17 and improvements of exhibits as part of a zoo capital campaign
2 18 located in a central Iowa city with a population between one
2 19 hundred ninety=five thousand and two hundred five thousand as
2 20 determined by the 2010 federal decennial census:
2 21 FY 2011=2012..... \$ 500,000
2 22 d. For interior and exterior renovations and repairs,
2 23 including improved energy efficiencies and compliance with
2 24 the federal Americans with Disabilities Act, for cabins at a
2 25 year=round camp for persons with disabilities in a central Iowa
2 26 city with a population between one hundred ninety=five thousand
2 27 and two hundred five thousand as determined by the 2010 federal
2 28 decennial census:
2 29 FY 2011=2012..... \$ 250,000
2 30 e. For administration and support of the world food prize
2 31 including the Borlaug/Ruan scholar program, notwithstanding
2 32 section 8.57, subsection 6, paragraph "c":
2 33 FY 2011=2012..... \$ 100,000
2 34 6. DEPARTMENT OF EDUCATION
2 35 a. To the public broadcasting division for the purchase of a



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3 1 building in a city with a population between seventeen thousand
3 2 two hundred and seventeen thousand three hundred as determined
3 3 by the 2010 federal decennial census:
3 4 FY 2011=2012..... \$ 1,255,550
3 5 b. For major renovation and major repair needs, including
3 6 health, life, and fire safety needs and for compliance with the
3 7 federal Americans with Disabilities Act, for state buildings
3 8 and facilities under the purview of the community colleges:
3 9 FY 2011=2012..... \$ 1,000,000
3 10 7. DEPARTMENT OF HUMAN SERVICES
3 11 For the renovation and construction of certain nursing
3 12 facilities, consistent with the provisions of chapter 249K:
3 13 FY 2011=2012..... \$ 285,000
3 14 8. DEPARTMENT OF NATURAL RESOURCES
3 15 a. For floodplain management and dam safety,
3 16 notwithstanding section 8.57, subsection 6, paragraph "c":
3 17 FY 2011=2012..... \$ 2,000,000
3 18 Of the amounts appropriated in this lettered paragraph,
3 19 up to \$400,000 is authorized for stream gages to be used
3 20 for tracking and predicting flood events and for compiling
3 21 necessary data relating to flood frequency analysis.
3 22 b. For implementation of lake projects that have
3 23 established watershed improvement initiatives and community
3 24 support in accordance with the department's annual lake
3 25 restoration plan and report, notwithstanding section 8.57,
3 26 subsection 6, paragraph "c":
3 27 FY 2011=2012..... \$ 5,000,000
3 28 Of the amount appropriated in this lettered paragraph,
3 29 \$350,000 shall be allocated for a lake with public access
3 30 that has the support of a benefited lake district located in
3 31 a county with a population between seventeen thousand seven
3 32 hundred and seventeen thousand eight hundred as determined
3 33 by the 2010 federal decennial census. The allocated moneys
3 34 shall be used for purposes of completing a preconstruction
3 35 dam restoration study that would include a geotechnical



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4 1 evaluation, hydrological studies, restoration alternatives, and
4 2 construction specifications.
4 3 c. For the administration of a water trails and low head
4 4 dam public hazard statewide plan, including salaries, support,
4 5 maintenance, and miscellaneous purposes, notwithstanding
4 6 section 8.57, subsection 6, paragraph "c":
4 7 FY 2011=2012..... \$ 75,000
4 8 d. For costs associated with the hiring and employment of an
4 9 asset manager at Honey creek resort state park, notwithstanding
4 10 section 8.57, subsection 6, paragraph "c":
4 11 FY 2011=2012..... \$ 100,000
4 12 e. For costs associated with dam repair for a lake with
4 13 public access that has the support of a benefitted lake
4 14 district located in a county with a population between
4 15 seventeen thousand seven hundred and seventeen thousand eight
4 16 hundred as determined by the 2010 federal decennial census:
4 17 FY 2012=2013..... \$ 2,500,000
4 18 FY 2013=2014..... \$ 2,500,000
4 19 Moneys appropriated for each fiscal year in this lettered
4 20 paragraph are contingent upon receipt of moneys on a
4 21 dollar=for=dollar matching basis from any source for each
4 22 fiscal year.
4 23 9. DEPARTMENT OF PUBLIC DEFENSE
4 24 a. For major maintenance projects at national guard
4 25 armories and facilities:
4 26 FY 2011=2012..... \$ 1,500,000
4 27 b. For renovation and facility improvements at the
4 28 Muscatine readiness center:
4 29 FY 2011=2012..... \$ 100,000
4 30 c. For construction improvement projects at statewide
4 31 readiness centers:
4 32 FY 2011=2012..... \$ 1,800,000
4 33 d. For construction upgrades at Camp Dodge including
4 34 sanitary system and sewer system improvements:
4 35 FY 2011=2012..... \$ 1,000,000



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5 1 e. For renovation, repair, and related improvements at the
5 2 joint forces headquarters building:
5 3 FY 2011=2012..... \$ 1,000,000
5 4 10. DEPARTMENT OF PUBLIC SAFETY
5 5 For the provision of a statewide public safety radio network
5 6 and the purchase of compatible radio communications equipment
5 7 with the goal of achieving compliance with the federal
5 8 communications commission's narrowbanding mandate deadline, and
5 9 for achieving "interoperability", as defined in section 80.28,
5 10 notwithstanding section 8.57, subsection 6, paragraph "c":
5 11 FY 2011=2012..... \$ 2,500,000
5 12 FY 2012=2013..... \$ 2,500,000
5 13 FY 2013=2014..... \$ 2,500,000
5 14 Of the amounts appropriated in this subsection, the
5 15 department of public safety may enter into a public=private
5 16 partnership, through a competitive bidding process, for
5 17 the provision of the statewide network and the purchase of
5 18 compatible equipment.
5 19 On or before January 13, 2012, the department of public
5 20 safety shall provide a report to the legislative services
5 21 agency and the department of management. The report shall
5 22 detail the status of the funds appropriated in this subsection
5 23 and shall include the estimated needs of the departments of
5 24 public safety, corrections, and natural resources to achieve
5 25 interoperability and to meet the federal narrowbanding mandate,
5 26 any changes in estimated costs to meet those needs, and the
5 27 status of requests for proposals to develop a public=private
5 28 partnership.
5 29 11. BOARD OF REGENTS
5 30 a. For allocation by the state board of regents to the
5 31 state university of Iowa, the Iowa state university of
5 32 science and technology, and the university of northern Iowa to
5 33 reimburse the institutions for deficiencies in the operating
5 34 funds resulting from the pledging of tuition, student fees
5 35 and charges, and institutional income to finance the cost of



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6 1 providing academic and administrative buildings and facilities
6 2 and utility services at the institutions, notwithstanding
6 3 section 8.57, subsection 6, paragraph "c":
6 4 FY 2011=2012..... \$ 24,305,412
6 5 b. For the Iowa flood center at the state university of Iowa
6 6 for use by the university's college of engineering, pursuant
6 7 to section 466C.1, notwithstanding section 8.57, subsection 6,
6 8 paragraph "c":
6 9 FY 2011=2012..... \$ 1,300,000
6 10 c. For construction, renovation, and related improvements
6 11 for phase II of the agricultural and biosystems engineering
6 12 complex, including classrooms, laboratories, and offices at
6 13 Iowa state university of science and technology:
6 14 FY 2011=2012..... \$ 2,000,000
6 15 FY 2012=2013..... \$ 19,800,000
6 16 FY 2013=2014..... \$ 20,000,000
6 17 FY 2014=2015..... \$ 18,600,000
6 18 d. For the renovation and related improvements to the dental
6 19 science building at the state university of Iowa including but
6 20 not limited to renovation of clinical spaces and development of
6 21 a multidisciplinary clinical area:
6 22 FY 2011=2012..... \$ 2,000,000
6 23 FY 2012=2013..... \$ 11,000,000
6 24 FY 2013=2014..... \$ 8,000,000
6 25 FY 2014=2015..... \$ 8,000,000
6 26 e. For renovation and related improvements for Bartlett
6 27 hall at the university of northern Iowa including providing
6 28 faculty offices, seminar rooms, and laboratories in the
6 29 building and the associated demolition of Baker hall:
6 30 FY 2011=2012..... \$ 2,000,000
6 31 FY 2012=2013..... \$ 7,286,000
6 32 FY 2013=2014..... \$ 9,767,000
6 33 FY 2014=2015..... \$ 1,947,000
6 34 12. DEPARTMENT OF TRANSPORTATION
6 35 a. For acquiring, constructing, and improving recreational



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7 1 trails within the state:
7 2 FY 2011=2012..... \$ 2,500,000
7 3 Of the amount appropriated in this lettered paragraph "a",
7 4 \$500,000 shall be allocated for the development of a connecting
7 5 trail and for bicycle boulevard improvements in a central Iowa
7 6 city with a population between one hundred ninety=five thousand
7 7 and two hundred five thousand as determined by the 2010 federal
7 8 decennial census.
7 9 Of the amount appropriated in this lettered paragraph "a",
7 10 \$112,000 shall be allocated for the planning and development
7 11 of the Iowa portion of the Mississippi river trail located
7 12 in a county with a population between forty=two thousand and
7 13 forty=three thousand in the latest preceding certified federal
7 14 census and a county with a population between one hundred sixty
7 15 thousand and one hundred seventy=five thousand in the latest
7 16 preceding certified federal census.
7 17 b. For deposit into the public transit infrastructure
7 18 grant fund created in section 324A.6A, for projects that meet
7 19 the definition of "vertical infrastructure" in section 8.57,
7 20 subsection 6, paragraph "c":
7 21 FY 2011=2012..... \$ 1,500,000
7 22 c. For infrastructure improvements at the commercial
7 23 service airports within the state:
7 24 FY 2011=2012..... \$ 1,500,000
7 25 d. For infrastructure improvements at general aviation
7 26 airports within the state:
7 27 FY 2011=2012..... \$ 750,000
7 28 13. TREASURER OF STATE
7 29 For distribution in accordance with chapter 174 to qualified
7 30 fairs which belong to the association of Iowa fairs for county
7 31 fair infrastructure improvements:
7 32 FY 2011=2012..... \$ 1,060,000
7 33 14. DEPARTMENT OF VETERANS AFFAIRS
7 34 a. For transfer to the Iowa finance authority for the
7 35 continuation of the home ownership assistance program for



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8 1 persons who are or were eligible members of the armed forces of
8 2 the United States, pursuant to section 16.54, notwithstanding
8 3 section 8.57, subsection 6, paragraph "c":
8 4 FY 2011=2012..... \$ 1,000,000
8 5 b. For the Iowa veterans home to upgrade generator emissions
8 6 controls to meet required stack emissions for four generators
8 7 and related improvements:
8 8 FY 2011=2012..... \$ 250,000
8 9 Sec. 2. REVERSION. For purposes of section 8.33, unless
8 10 specifically provided otherwise, unencumbered or unobligated
8 11 moneys made from an appropriation in this division of this Act
8 12 shall not revert but shall remain available for expenditure for
8 13 the purposes designated until the close of the fiscal year that
8 14 ends three years after the end of the fiscal year for which the
8 15 appropriation is made. However, if the project or projects for
8 16 which such appropriation was made are completed in an earlier
8 17 fiscal year, unencumbered or unobligated moneys shall revert at
8 18 the close of that same fiscal year.
8 19 DIVISION II
8 20 TECHNOLOGY REINVESTMENT FUND
8 21 Sec. 3. There is appropriated from the technology
8 22 reinvestment fund created in section 8.57C to the following
8 23 departments and agencies for the following fiscal years, the
8 24 following amounts, or so much thereof as is necessary, to be
8 25 used for the purposes designated:
8 26 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
8 27 For technology improvement projects:
8 28 FY 2011=2012..... \$ 1,557,904
8 29 2. DEPARTMENT OF CORRECTIONS
8 30 For costs associated with the Iowa corrections offender
8 31 network data system:
8 32 FY 2011=2012..... \$ 500,000
8 33 3. DEPARTMENT OF EDUCATION
8 34 a. For maintenance and lease costs associated with
8 35 connections for part III of the Iowa communications network:



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9 1 FY 2011=2012..... \$ 2,727,000
9 2 b. For the implementation of an educational data warehouse
9 3 that will be utilized by teachers, parents, school district
9 4 administrators, area education agency staff, department of
9 5 education staff, and policymakers:
9 6 FY 2011=2012..... \$ 600,000
9 7 The department may use a portion of the moneys appropriated
9 8 in this lettered paragraph for an e=transcript data system
9 9 capable of tracking students throughout their education via
9 10 interconnectivity with multiple schools.
9 11 4. DEPARTMENT OF HUMAN RIGHTS
9 12 For the cost of equipment and computer software for the
9 13 implementation of Iowa's criminal justice information system:
9 14 FY 2011=2012..... \$ 1,689,307
9 15 5. DEPARTMENT OF HUMAN SERVICES
9 16 For the purchase of software and for training costs
9 17 associated with the purchase of the software for a
9 18 community=based, nonprofit, nonresidential program serving
9 19 persons with disabilities, notwithstanding section 8.57C,
9 20 subsection 2:
9 21 FY 2011=2012..... \$ 11,000
9 22 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
9 23 For replacement of equipment for the Iowa communications
9 24 network:
9 25 FY 2011=2012..... \$ 2,237,653
9 26 The commission may continue to enter into contracts pursuant
9 27 to section 8D.13 for the replacement of equipment and for
9 28 operation and maintenance costs of the network.
9 29 In addition to funds appropriated in this subsection, the
9 30 commission may use a financing agreement entered into by the
9 31 treasurer of state in accordance with section 12.28 for the
9 32 replacement of equipment for the network. For purposes of
9 33 this subsection, the treasurer of state is not subject to
9 34 the maximum principal limitation contained in section 12.28,
9 35 subsection 6. Repayment of any amounts financed shall be made



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10 1 from receipts associated with fees charged for use of the
10 2 network.
10 3 7. DEPARTMENT OF MANAGEMENT
10 4 To develop a searchable database that can be placed on the
10 5 internet for budget and financial information:
10 6 FY 2011=2012..... \$ 580,000
10 7 8. DEPARTMENT OF PUBLIC SAFETY
10 8 a. For transfer to a firefighter association in a county
10 9 with a population between ninety thousand and ninety=five
10 10 thousand as determined by the 2010 federal decennial census
10 11 for a driving simulator to enhance the association's emergency
10 12 vehicle operations course:
10 13 FY 2011=2012..... \$ 80,000
10 14 b. For the purchase of an emergency diesel generator for
10 15 radio communications for a county with a population between
10 16 seventeen thousand and seventeen thousand one hundred fifty as
10 17 determined by the 2010 federal decennial census:
10 18 FY 2011=2012..... \$ 20,000
10 19 Sec. 4. REVERSION. For purposes of section 8.33, unless
10 20 specifically provided otherwise, unencumbered or unobligated
10 21 moneys made from an appropriation in this division of this Act
10 22 shall not revert but shall remain available for expenditure for
10 23 the purposes designated until the close of the fiscal year that
10 24 ends three years after the end of the fiscal year for which the
10 25 appropriation is made. However, if the project or projects for
10 26 which such appropriation was made are completed in an earlier
10 27 fiscal year, unencumbered or unobligated moneys shall revert at
10 28 the close of that same fiscal year.
10 29 DIVISION III
10 30 REVENUE BONDS CAPITALS
10 31 FUND ==== APPROPRIATIONS
10 32 Sec. 5. There is appropriated from the revenue bonds
10 33 capitals fund created in section 12.88, to the department of
10 34 corrections for the fiscal year beginning July 1, 2011, and
10 35 ending June 30, 2012, the following amount, or so much thereof



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11 1 as is necessary, to be used for the purposes designated:
11 2 For the construction project and one-time equipment costs at
11 3 the Iowa correctional facility for women at Mitchellville:
11 4 \$ 4,130,952
11 5 For purposes of section 8.33, unless specifically provided
11 6 otherwise, unencumbered or unobligated moneys made from an
11 7 appropriation in this section shall not revert but shall remain
11 8 available for expenditure for the purposes designated until the
11 9 close of the fiscal year that ends three years after the end of
11 10 the fiscal year for which the appropriation was made. However,
11 11 if the project or projects for which such appropriation was
11 12 made are completed in an earlier fiscal year, unencumbered
11 13 or unobligated moneys shall revert at the close of that same
11 14 fiscal year.

11 15 DIVISION IV

11 16 GROW IOWA VALUES FUND

11 17 Sec. 6. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In
11 18 lieu of the \$50,000,000 appropriated for the fiscal year
11 19 beginning July 1, 2011, and ending June 30, 2012, from
11 20 the grow Iowa values fund to the department of economic
11 21 development pursuant to section 15G.111, subsection 3, there is
11 22 appropriated from the grow Iowa values fund to the department
11 23 of economic development for the fiscal year beginning July 1,
11 24 2011, and ending June 30, 2012, \$11,120,000 for the purposes of
11 25 making expenditures pursuant to chapter 15G.

11 26 Sec. 7. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the
11 27 amounts allocated pursuant to section 15G.111, subsections 4
11 28 through 11, for the fiscal year beginning July 1, 2011, and
11 29 ending June 30, 2012, of the \$11,120,000 appropriated to the
11 30 department of economic development pursuant to this division of
11 31 this Act, the department shall allocate the following amounts
11 32 for the following purposes as described in section 15G.111,
11 33 subsections 4 through 11:

11 34 1. For departmental purposes, \$4,620,000. Of the moneys
11 35 allocated in this subsection, the department may use up to



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12 1 \$400,000 for administrative costs.
12 2 2. For the state board of regents institutions, \$2,500,000.
12 3 3. For state parks, \$0.
12 4 4. For deposit in the Iowa cultural trust fund, \$0.
12 5 5. For community colleges, \$4,000,000.
12 6 6. For regional financial assistance, \$0.
12 7 7. For commercialization services, \$0.
12 8 8. For targeted small business, \$0.
12 9 Sec. 8. NEW SECTION. 15G.107 Subchapter repealed ==== new
12 10 program proposal.
12 11 1. This subchapter of this chapter is repealed on June 30,
12 12 2012.
12 13 2. On or before November 30, 2011, the department of
12 14 economic development shall propose to the general assembly a
12 15 new business development financial assistance program.
12 16 3. On or before November 30, 2011, the department of
12 17 economic development shall propose to the general assembly
12 18 any changes in law necessary to implement the repeal of this
12 19 subchapter.
12 20 Sec. 9. Section 15G.110, Code 2011, is amended by striking
12 21 the section and inserting in lieu thereof the following:
12 22 15G.110 Appropriation.
12 23 For the fiscal year beginning July 1, 2011, and ending June
12 24 30, 2012, there is appropriated to the department of economic
12 25 development eleven million one hundred twenty thousand dollars
12 26 from the rebuild Iowa infrastructure fund for deposit in the
12 27 grow Iowa values fund, notwithstanding section 8.57, subsection
12 28 6, paragraph "c".
12 29 Sec. 10. Section 15G.111, subsection 2, Code 2011, is
12 30 amended by adding the following new paragraph:
12 31 NEW PARAGRAPH. d. Of the moneys transferred to the fund
12 32 pursuant to 2009 Iowa Acts, chapter 123, section 9, the
12 33 department, with the approval of the board, may allocate
12 34 an amount necessary to fund administrative and operations
12 35 costs. An allocation pursuant to this paragraph may be made



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13 1 in addition to any allocations made pursuant to subsection 4,
13 2 paragraph "a".

13 3 DIVISION V

13 4 GAMBLING REVENUES ==== CONTINGENT APPROPRIATION

13 5 Sec. 11. GAMBLING REVENUES ==== APPROPRIATION. For the fiscal
13 6 year beginning July 1, 2011, and ending June 30, 2012, there
13 7 is appropriated from the rebuild Iowa infrastructure fund an
13 8 amount equal to the gambling revenues in excess of the revenue
13 9 estimate determined by the revenue estimating conference on
13 10 March 25, 2011, for the fiscal year ending June 30, 2011,
13 11 pursuant to section 8.22A, subsection 5, paragraph "b", to
13 12 the department of transportation for deposit in the passenger
13 13 rail service revolving fund created in section 327J.2,
13 14 notwithstanding section 8.57, subsection 6, paragraph "c".

13 15 DIVISION VI

13 16 MISCELLANEOUS CODE CHANGES

13 17 Sec. 12. Section 8.57, subsection 6, paragraph f, Code 2011,
13 18 is amended to read as follows:

13 19 f. There is appropriated from the rebuild Iowa
13 20 infrastructure fund to the secure an advanced vision for
13 21 education fund created in section 423F.2, for each fiscal
13 22 year of the fiscal period beginning July 1, 2008, and ending
13 23 June 30, 2010, ~~and for each fiscal year of the fiscal period~~
~~13 24 beginning July 1, 2011, and ending June 30, 2014,~~ the amount of
13 25 the moneys in excess of the first forty-seven million dollars
13 26 credited to the rebuild Iowa infrastructure fund during the
13 27 fiscal year, not to exceed ten million dollars.

13 28 Sec. 13. Section 8.57A, subsection 4, Code 2011, is amended
13 29 to read as follows:

13 30 4. a. There is appropriated from the rebuild Iowa
13 31 infrastructure fund for the fiscal ~~years~~ year beginning July
13 32 ~~1, 2008, July 1, 2009, and July 1, 2011~~ 2012, and for each
13 33 fiscal year thereafter, the sum of forty-two million dollars
13 34 to the environment first fund, notwithstanding section 8.57,
13 35 subsection 6, paragraph "c".



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14 1 b. There is appropriated from the rebuild Iowa
14 2 infrastructure fund each fiscal year for the fiscal year period
14 3 beginning July 1, 2010, and ending June 30, ~~2011~~ 2012, the sum
14 4 of thirty=three million dollars to the environment first fund,
14 5 notwithstanding section 8.57, subsection 6, paragraph "c".
14 6 Sec. 14. Section 8.57C, subsection 3, paragraphs a and c,
14 7 Code 2011, are amended to read as follows:
14 8 a. There is appropriated from the general fund of the state
14 9 for the fiscal ~~years~~ year beginning ~~July 1, 2006, July 1,~~
~~14 10 2007,~~ July 1, ~~2011~~ 2012, and for each subsequent fiscal year
14 11 thereafter, the sum of seventeen million five hundred thousand
14 12 dollars to the technology reinvestment fund.
14 13 c. There is appropriated from the rebuild Iowa
14 14 infrastructure fund for ~~the~~ each fiscal year of the period
14 15 beginning July 1, 2010, and ending June 30, 2012, the sum
14 16 of ten million dollars to the technology reinvestment fund,
14 17 notwithstanding section 8.57, subsection 6, paragraph "c".
14 18 Sec. 15. Section 8A.321, subsection 6, Code 2011, is amended
14 19 by adding the following new paragraph:
14 20 NEW PARAGRAPH. d. (1) The department shall annually issue
14 21 a request for proposals for leasing privately owned office
14 22 space for state employees in the downtown area of the city
14 23 of Des Moines. Prior to replacing or renovating publicly
14 24 owned buildings or relocating any state agencies to any space
14 25 in publicly owned buildings, the department shall use such
14 26 proposals to compare the costs of privately owned space to
14 27 publicly owned space. The department shall locate state
14 28 employees in office space in the most cost=efficient manner
14 29 possible. In determining cost efficiency, the department shall
14 30 consider all costs of the publicly owned space, the costs of
14 31 the original acquisition of the publicly owned space, the costs
14 32 of tenant improvements to the publicly owned space, and the
14 33 anticipated economic and useful life of the publicly owned
14 34 building space.
14 35 (2) Subparagraph (1) shall not apply when emergency



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15 1 circumstances exist. Actions taken during an emergency which
15 2 would otherwise violate subparagraph (1) shall be limited
15 3 in scope and duration to meet the emergency. An emergency
15 4 includes but is not limited to a condition that does any of the
15 5 following:
15 6 (a) Threatens public health, welfare, or safety.
15 7 (b) In which there is a need to protect the health, welfare,
15 8 or safety of persons occupying or visiting a public improvement
15 9 or property located adjacent to the public improvement.
15 10 (c) In which the department or agency must act to preserve
15 11 critical services or programs.
15 12 (d) In which the need is a result of events or circumstances
15 13 not reasonably foreseeable.
15 14 Sec. 16. Section 12.82, subsection 1, Code 2011, is amended
15 15 to read as follows:
15 16 1. A school infrastructure fund is created and established
15 17 as a separate and distinct fund in the state treasury under the
15 18 control of the department of education. ~~The Notwithstanding~~
15 19 any other provision of this chapter, the fund shall be used for
15 20 purposes of the school infrastructure program established in
15 21 section 292.2.
15 22 Sec. 17. Section 12.82, Code 2011, is amended by adding the
15 23 following new subsection:
15 24 NEW SUBSECTION. 3A. Any amounts remaining in the school
15 25 infrastructure fund at the end of the fiscal year beginning
15 26 July 1, 2010, and for each fiscal year thereafter, which are
15 27 determined by the treasurer of state to be unencumbered and
15 28 unobligated and otherwise unnecessary to make the payments for
15 29 such fiscal year, shall be transferred to the rebuild Iowa
15 30 infrastructure fund.
15 31 Sec. 18. Section 15F.204, subsection 8, paragraph a,
15 32 subparagraph (6), Code 2011, is amended to read as follows:
15 33 (6) For the fiscal year beginning July 1, 2011, and ending
15 34 June 30, 2012, the sum of five million three hundred thousand
15 35 dollars.



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16 1 Sec. 19. Section 15F.204, subsection 8, paragraph b, Code
16 2 2011, is amended by striking the paragraph.

16 3 Sec. 20. Section 16.193, subsection 2, Code 2011, is amended
16 4 to read as follows:

16 5 2. ~~During the term of the Iowa jobs program established~~
~~16 6 in section 16.194 and the Iowa jobs II program established~~
~~16 7 in section 16.194A~~ For the period beginning July 1, 2009,
16 8 and ending June 30, 2011, two hundred thousand dollars of
16 9 the moneys deposited in the rebuild Iowa infrastructure
16 10 fund shall be allocated each fiscal year to the Iowa finance
16 11 authority for purposes of administering the Iowa jobs program,
16 12 notwithstanding section 8.57, subsection 6, paragraph "c".

16 13 Sec. 21. EFFECTIVE UPON ENACTMENT. The sections of this
16 14 division amending section 12.82, being deemed of immediate
16 15 importance, takes effect upon enactment.

16 16 DIVISION VII

16 17 CHANGES TO PRIOR APPROPRIATIONS

16 18 Sec. 22. 2004 Iowa Acts, chapter 1175, section 288,
16 19 subsection 7, paragraph d, as amended by 2010 Iowa Acts,
16 20 chapter 1184, section 51, is amended to read as follows:

16 21 d. For allocation to the public broadcasting division for
16 22 costs of installation of digital and analog television for Iowa
16 23 public television facilities, notwithstanding section 8.57,
16 24 subsection 5, paragraph "c":

16 25 FY 2004=2005.....	\$ 8,000,000
16 26 FY 2005=2006.....	\$ 8,000,000
16 27 FY 2006=2007.....	\$ 2,300,000

16 28 Of the amounts appropriated in this lettered paragraph, up
16 29 to \$1,000,000 may be used for operational costs of the division
16 30 for the fiscal years beginning July 1, 2011, and July 1, 2012.

16 31 Notwithstanding section 8.33, 2004 Iowa Acts, chapter 1175,
16 32 section 290, or any other provision of law, moneys allocated in
16 33 this lettered paragraph that remain unencumbered or unobligated
16 34 at the close of a fiscal year shall not revert but shall
16 35 remain available for expenditure for the purposes designated



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17 1 until the close of the fiscal year that begins July 1, 2012.
17 2 ~~However, if the projects for which the moneys are appropriated~~
17 3 ~~are completed in an earlier fiscal year, unencumbered or~~
17 4 ~~unobligated moneys shall revert at the close of that fiscal~~
17 5 ~~year.~~
17 6 Sec. 23. 2006 Iowa Acts, chapter 1179, section 18, is
17 7 amended by adding the following new subsection:
17 8 NEW SUBSECTION. 5. Except for the allocation to Des Moines
17 9 area community college and notwithstanding section 8.33, moneys
17 10 appropriated from the endowment for Iowa's health restricted
17 11 capitals fund for the fiscal year beginning July 1, 2006, and
17 12 ending June 30, 2007, in this division of this Act to the
17 13 department of public safety for allocation to the division of
17 14 fire protection that remain unencumbered or unobligated at the
17 15 close of the fiscal year shall not revert but shall remain
17 16 available for expenditure for the purposes designated until
17 17 the close of the fiscal year beginning July 1, 2011, or until
17 18 the project for which appropriated is completed, whichever is
17 19 earlier. This subsection shall apply in lieu of subsection 1
17 20 of this section.
17 21 Sec. 24. 2007 Iowa Acts, chapter 219, section 2, is amended
17 22 to read as follows:
17 23 SEC. 2. REVERSION.
17 24 1. Notwithstanding Except as provided in subsection 2 and
17 25 notwithstanding section 8.33, moneys appropriated for the
17 26 fiscal year beginning July 1, 2007, in this division of this
17 27 Act that remain unencumbered or unobligated at the close of
17 28 the fiscal year shall not revert but shall remain available
17 29 for the purposes designated until the close of the fiscal year
17 30 that begins July 1, 2010, or until the project for which the
17 31 appropriation was made is completed, whichever is earlier.
17 32 2. a. Notwithstanding section 8.33, moneys appropriated
17 33 in section 1, subsection 1, paragraphs "a" and "f" of this
17 34 division of this Act that remain unencumbered or unobligated at
17 35 the close of the fiscal year for which they were appropriated



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18 1 shall not revert but shall remain available for the purposes
18 2 designated until the close of the fiscal year that begins July
18 3 1, 2011, or until the project for which the appropriation was
18 4 made is completed, whichever is earlier.

18 5 b. The department of administrative services is authorized
18 6 to provide for the disposition and relocation of structures
18 7 located at 707 east locust and 709 east locust, Des Moines,
18 8 Iowa, in a manner as deemed appropriate by the department.
18 9 The disposition of the structures, if possible, shall be
18 10 completed in a manner that reduces or eliminates the costs
18 11 of the state associated with the removal of the structures
18 12 from their current locations. Any amount received from the
18 13 disposition of the structures as permitted under this section
18 14 shall be retained by the department to pay for improvement
18 15 costs associated with the restoration of the west capitol
18 16 terrace. The department, if unable to otherwise dispose of the
18 17 structures, is authorized to demolish the structure using other
18 18 appropriate funding available to the department.

18 19 Sec. 25. 2008 Iowa Acts, chapter 1179, section 7, as amended
18 20 by 2009 Iowa Acts, chapter 173, section 21, and 2010 Iowa Acts,
18 21 chapter 1184, section 58, is amended to read as follows:

18 22 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
18 23 appropriated from the rebuild Iowa infrastructure fund to
18 24 the department of economic development for the designated
18 25 fiscal years the following amounts, or so much thereof as is
18 26 necessary, to be used for the purposes designated:

18 27 For deposit into the river enhancement community attraction
18 28 and tourism fund created in 2008 Iowa Acts, Senate File 2430,
18 29 if enacted:

18 30	FY 2009=2010	\$	0
18 31	FY 2010=2011.....	\$	0
18 32	FY 2011=2012	\$	10,000,000
18 33			<u>3,000,000</u>
18 34	FY 2012=2013.....	\$	10,000,000
18 35	Notwithstanding section 8.33, moneys appropriated in this		



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19 1 section for the fiscal year beginning July 1, 2011, and ending
19 2 June 30, 2012, shall not revert at the close of the fiscal year
19 3 for which they are appropriated but shall remain available
19 4 for the purpose designated until the close of the fiscal year
19 5 that begins July 1, 2014, or until the project for which the
19 6 appropriation was made is completed, whichever is earlier.

19 7 Notwithstanding section 8.33, moneys appropriated in this
19 8 section for the fiscal year beginning July 1, 2012, and ending
19 9 June 30, 2013, shall not revert at the close of the fiscal year
19 10 for which they are appropriated but shall remain available
19 11 for the purpose designated until the close of the fiscal year
19 12 that begins July 1, 2015, or until the project for which the
19 13 appropriation was made is completed, whichever is earlier.

19 14 Sec. 26. 2010 Iowa Acts, chapter 1184, section 2, subsection
19 15 3, is amended to read as follows:

19 16 3. DEPARTMENT OF TRANSPORTATION

19 17 For deposit into the passenger rail service revolving
19 18 fund created in section 327J.2 for matching federal funding
19 19 available through the federal Passenger Rail Investment
19 20 and Improvement Act of 2008 for passenger rail service,
19 21 notwithstanding section 8.57, subsection 6, paragraph "c":

19 22 FY 2011=2012..... \$ 6,500,000

19 23 0

19 24 FY 2012=2013..... \$ 6,500,000

19 25 It is the intent of the general assembly to fund up to
19 26 \$20 million over a four-year period to fully fund the state
19 27 commitment for matching federal funding available through the
19 28 federal Passenger Rail Investment and Improvement Act of 2008.

19 29 Sec. 27. 2010 Iowa Acts, chapter 1184, section 10,
19 30 subsection 8, is amended to read as follows:

19 31 8. TREASURER OF STATE

19 32 For transfer to the watershed improvement review board
19 33 created in section 466A.3 for grants associated with the
~~19 34 construction and restoration of wetland easements and flood~~
~~19 35 prevention watershed improvement projects:~~



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20 1 \$ 2,000,000
20 2 Notwithstanding section 466A.5, moneys from the
20 3 appropriation in this subsection shall not be used for
20 4 administrative purposes.
20 5 Sec. 28. 2010 Iowa Acts, chapter 1184, section 14, is
20 6 amended to read as follows:
20 7 SEC. 14. There is appropriated from the ~~FY 2009 prison~~
~~20 8 bonding fund created pursuant to section 12.79~~ rebuild Iowa
20 9 infrastructure fund to the department of corrections for the
20 10 fiscal year beginning July 1, 2010, and ending June 30, 2011,
20 11 the following amount, or so much thereof as is necessary, to be
20 12 used for the purpose designated, notwithstanding section 8.57,
20 13 subsection 6, paragraph "c":
20 14 ~~For costs associated with the building of a new Iowa State~~
~~20 15 penitentiary at Fort Madison~~ project management costs at Fort
20 16 Madison and Mitchellville prisons, associated with construction
20 17 projects at the department:
20 18 \$ 322,500
20 19 ~~The appropriation made in this section constitutes approval~~
~~20 20 by the general assembly for the issuance of bonds by the~~
~~20 21 treasurer of state pursuant to section 12.80.~~
20 22 Sec. 29. 2010 Iowa Acts, chapter 1184, section 37, is
20 23 amended to read as follows:
20 24 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
20 25 APPROPRIATION. There is appropriated from the school
20 26 infrastructure fund created in section 12.82 to the department
20 27 of economic development for the fiscal year beginning July
20 28 1, 2010, and ending June 30, 2011, the following amount, or
20 29 so much thereof as is necessary, to be used for the purposes
20 30 designated:
20 31 For providing site development consultations pursuant to
20 32 section 15E.18, including salaries, support, maintenance,
20 33 miscellaneous purposes, and for not more than the following
20 34 full-time equivalent positions, notwithstanding section 12.82,
20 35 subsection 1:



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21 1 \$ 175,000
21 2 FTEs 1.00
21 3 Of the moneys appropriated to the department pursuant to
21 4 this section, the department may allocate up to \$75,000 for
21 5 purposes of contracting with third parties to provide site
21 6 development consultations.
21 7 Sec. 30. 2010 Iowa Acts, chapter 1184, section 39, is
21 8 amended to read as follows:
21 9 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
21 10 APPROPRIATION. There is appropriated from the school
21 11 infrastructure fund created in section 12.82 to the department
21 12 of economic development for the fiscal year beginning July
21 13 1, 2010, and ending June 30, 2011, the following amount, or
21 14 so much thereof as is necessary, to be used for the purposes
21 15 designated:
21 16 For purposes of creating a business assistance internet
21 17 site, notwithstanding section 12.82, subsection 1:
21 18 \$ 20,000
21 19 Sec. 31. 2010 Iowa Acts, chapter 1184, section 43, is
21 20 amended to read as follows:
21 21 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
21 22 APPROPRIATION. There is appropriated from the school
21 23 infrastructure fund created in section 12.82 to the department
21 24 of economic development for deposit in the save our small
21 25 businesses fund for the fiscal year beginning July 1, 2010, and
21 26 ending June 30, 2011, the following amount, or so much thereof
21 27 as is necessary, to be used for the purposes designated,
21 28 notwithstanding section 12.82, subsection 1:
21 29 For purposes of providing financial assistance under the
21 30 save our small businesses program under section 15.301:
21 31 \$ 5,000,000
21 32 Of the moneys appropriated pursuant to this section, the
21 33 department may allocate an amount not to exceed two percent of
21 34 the moneys appropriated for purposes of retaining the services
21 35 of an organization designated pursuant to section 15.301,



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22 1 subsection 2, paragraph "b".
22 2 Sec. 32. 2010 Iowa Acts, chapter 1193, section 6, is amended
22 3 to read as follows:
22 4 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID ====

22 5 APPROPRIATION. In lieu of the appropriation provided
22 6 in section 257.20, there is appropriated from the school
22 7 infrastructure fund created in section 12.82, subsection 1,
22 8 to the department of education for the fiscal year beginning
22 9 July 1, 2010, and ending June 30, 2011, the following amount,
22 10 or so much thereof as is necessary, to be used for the purposes
22 11 designated:
22 12 For paying instructional support state aid for fiscal year
22 13 2010=2011, notwithstanding section 12.82, subsection 1:
22 14 \$ 7,500,000
22 15 Notwithstanding section 257.20, subsection 3, the
22 16 appropriation made in this lettered paragraph shall be
22 17 allocated in the same manner as the allocation of the
22 18 appropriation was made for the same purpose in the previous
22 19 fiscal year.

22 20 Sec. 33. 2011 Iowa Acts, House File 45, section 2,
22 21 subsection 2, is amended by adding the following new paragraph:
22 22 c. This subsection shall not apply to any appropriations
22 23 for the fiscal year beginning July 1, 2010, receiving a
22 24 supplemental appropriation under 2011 Iowa Acts, Senate File
22 25 209, or any multiyear appropriation that includes the fiscal
22 26 year beginning July 1, 2009, for equipment as determined by the
22 27 department of management.

22 28 Sec. 34. EFFECTIVE UPON ENACTMENT. This division of this
22 29 Act, being deemed of immediate importance, takes effect upon
22 30 enactment.

22 31 Sec. 35. RETROACTIVE APPLICABILITY. The provision of this
22 32 division of this Act amending 2011 Iowa Acts, House File 45,
22 33 section 2, subsection 2, applies retroactively to March 7,
22 34 2011.
22 35

DIVISION VIII



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23 1 MISCELLANEOUS
23 2 Sec. 36. WELCOME CENTER DESIGNATION.
23 3 Notwithstanding any provision of section 15.272 to the
23 4 contrary, the department of economic development shall by
23 5 January 1, 2012, select a site in or near the city of Nashua for
23 6 designation as a statewide welcome center under the statewide
23 7 welcome center program.
23 8 Sec. 37. IOWA BUILDING LEASES. The department of
23 9 administrative services may utilize space in the Iowa building
23 10 for purposes of entering into short term leases with persons
23 11 associated with the media who request space for the purpose
23 12 of providing media coverage of the 2012 Iowa presidential
23 13 caucuses. Moneys received pursuant to any such lease
23 14 agreements shall be retained by and are appropriated to the
23 15 department for purposes of operational costs of the Iowa
23 16 building.
23 17 DIVISION IX
23 18 CONDITIONAL EFFECTIVE DATE
23 19 AND RETROACTIVE APPLICABILITY
23 20 Sec. 38. EFFECTIVE DATE AND RETROACTIVE
23 21 APPLICABILITY. Unless otherwise provided, this Act, if
23 22 approved by the governor on or after July 1, 2011, takes effect
23 23 upon enactment and applies retroactively to July 1, 2011.
23 24 EXPLANATION
23 25 This bill relates to and makes, reduces, and transfers
23 26 appropriations to state departments and agencies from the
23 27 rebuild Iowa infrastructure fund, the technology reinvestment
23 28 fund, the revenue bonds capitals fund, and other funds, and
23 29 provides for related matters and effective dates.
23 30 REBUILD IOWA INFRASTRUCTURE FUND APPROPRIATIONS. This
23 31 division appropriates project funding for FY 2011=2012 from
23 32 the rebuild Iowa infrastructure fund, including projects for
23 33 the departments of administrative services, for the blind,
23 34 corrections, cultural affairs, economic development, education,
23 35 human services, natural resources, public defense, public



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24 1 safety, transportation, and veterans affairs, and to the state
24 2 board of regents and the treasurer of state.
24 3 The division appropriates project funding for FY 2012=2013
24 4 from the rebuild Iowa infrastructure fund, including projects
24 5 for the departments of corrections, natural resources, and
24 6 public safety, and to the state board of regents.
24 7 The division appropriates project funding for FY 2013=2014
24 8 from the rebuild Iowa infrastructure fund to the departments of
24 9 corrections, natural resources, and public safety, and to the
24 10 state board of regents.
24 11 The division appropriates project funding for FY 2014=2015
24 12 from the rebuild Iowa infrastructure fund to the state board
24 13 of regents.
24 14 TECHNOLOGY REINVESTMENT FUND ==== APPROPRIATIONS. This
24 15 division appropriates project funding for FY 2011=2012
24 16 from the technology reinvestment fund to the departments of
24 17 administrative services, corrections, education, human rights,
24 18 human services, management, and public safety, and to the Iowa
24 19 telecommunications and technology commission.
24 20 REVENUE BONDS CAPITALS FUND ==== APPROPRIATIONS. This
24 21 division appropriates project funding for FY 2011=2012 from the
24 22 revenue bonds capitals fund to the department of corrections.
24 23 GROW IOWA VALUES FUND. Division IV makes appropriations
24 24 to the department of economic development in lieu of the
24 25 standing appropriations for the grow Iowa values fund in Code
24 26 chapter 15G. The division appropriates \$11.62 million to the
24 27 department and directs that \$2.5 million be allocated to the
24 28 state board of regents and \$4 million to the community colleges
24 29 for the purposes described in Code chapter 15G. The remainder
24 30 may be used for departmental purposes. The division repeals
24 31 the grow Iowa values fund and financial assistance program as
24 32 of June 30, 2012, and requires the department to propose a
24 33 new financial assistance program to the general assembly by
24 34 November 30, 2011.
24 35 GAMBLING REVENUES ==== CONTINGENT APPROPRIATION. This



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25 1 division appropriates for the fiscal year beginning July 1,
25 2 2010, from the rebuild Iowa infrastructure fund an amount equal
25 3 to the gambling revenues in excess of the revenue estimate to
25 4 the department of transportation for deposit in the passenger
25 5 rail revolving fund.

25 6 MISCELLANEOUS CODE CHANGES. This division eliminates
25 7 FY 2011=2012, FY 2012=2013, and FY 2013=2014 standing
25 8 appropriations from the rebuild Iowa infrastructure fund to the
25 9 secure an advanced vision for education fund created in Code
25 10 section 423F.2.

25 11 The division reduces the FY 2011=2012 standing appropriation
25 12 from the rebuild Iowa infrastructure fund to the environment
25 13 first fund from \$42 million to \$33 million.

25 14 The division eliminates the \$17.5 million standing
25 15 appropriation from the general fund of the state to the
25 16 technology reinvestment fund for FY 2011=2012 and appropriates
25 17 \$10 million from the rebuild Iowa infrastructure fund to the
25 18 technology reinvestment fund for FY 2011=2012.

25 19 The division amends Code section 8A.321 to require the
25 20 department of administrative services to annually issue a
25 21 request for proposals for leasing privately owned office
25 22 space for state employees in downtown Des Moines. Prior to
25 23 replacing or renovating publicly owned buildings or relocating
25 24 state agencies to any space in publicly owned buildings, the
25 25 department shall use such proposals to compare the costs of
25 26 privately owned space to publicly owned space. Location of
25 27 state employees in office space must be done in the most
25 28 cost=efficient manner possible. These requirements do no apply
25 29 where emergency circumstances exist.

25 30 The division amends Code section 12.82 to provide that any
25 31 amounts remaining in the school infrastructure fund at the end
25 32 of the fiscal year beginning July 1, 2010, shall be transferred
25 33 to the rebuild Iowa infrastructure fund. This provision takes
25 34 effect upon enactment.

25 35 The division increases the standing appropriation for FY



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Senate File 541 - Introduced continued

26 1 2011=2012 from the rebuild Iowa infrastructure fund to the
26 2 community attraction and tourism fund from \$5 million to \$5.3
26 3 million.

26 4 The division eliminates standing appropriations for FY
26 5 2011=2012 and FY 2012=2013 from the franchise tax revenues
26 6 deposited in the general fund of the state to the community
26 7 attraction and tourism fund.

26 8 The division eliminates the standing appropriation from the
26 9 rebuild Iowa infrastructure fund to the Iowa finance authority
26 10 for deposit into the housing trust fund for FY 2011=2012.

26 11 The division eliminates the \$200,000 appropriation from the
26 12 rebuild Iowa infrastructure fund to the Iowa finance authority
26 13 for administration of the Iowa jobs program.

26 14 This division provides that up to \$1 million of amounts
26 15 allocated to the public broadcasting division for installation
26 16 of digital and analog television for Iowa public television
26 17 broadcasting facilities can be used for operational costs of
26 18 the division for FY 2011=2012.

26 19 CHANGES TO PRIOR APPROPRIATIONS. The division extends the
26 20 reversion date for projects appropriated to the department of
26 21 public safety from the endowment for Iowa's health restricted
26 22 capitals fund for FY 2006=2007.

26 23 The division provides that moneys appropriated for FY
26 24 2007=2008 from the rebuild Iowa infrastructure fund to the
26 25 department of administrative services for relocation and
26 26 project costs directly associated with remodeling projects
26 27 on the capitol complex and facility lease payments and
26 28 for restoration of the west capitol terrace that remain
26 29 unencumbered or unobligated do not revert but remain available
26 30 in FY 2011=2012 for disposition and relocation of designated
26 31 structures and improvement costs associated with the
26 32 restoration of the west capitol terrace.

26 33 The division reduces from \$10 million to \$3 million
26 34 the appropriation for FY 2011=2012 from the rebuild Iowa
26 35 infrastructure fund to the department of economic development



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27 1 for deposit into the river enhancement community attraction and
27 2 tourism fund.

27 3 The division eliminates the \$6.5 million appropriation from
27 4 the rebuild Iowa infrastructure fund to the department of
27 5 transportation for the passenger rail service revolving fund
27 6 for FY 2011=2012 and adds an appropriation in that amount for
27 7 FY 2012=2013.

27 8 The division makes changes to the FY 2010=2011
27 9 appropriations from the revenue bonds capitals II fund to the
27 10 treasurer of state, from FY 2009 prison bonding fund to the
27 11 department of corrections, and from the school infrastructure
27 12 fund to the department of economic development.

27 13 The division specifies that appropriations from the school
27 14 infrastructure fund to the department of economic development
27 15 for a business assistance internet site and the save our
27 16 small businesses fund and to the department of education for
27 17 instructional support school aid are made notwithstanding the
27 18 requirements of Code section 12.82, subsection 1.

27 19 The division provides that the limitation on state
27 20 departments for purchasing office supplies and equipment,
27 21 printing, and marketing enacted in 2011 Iowa Acts, House File
27 22 45, is not applicable to specified appropriations. This
27 23 provision is retroactively applicable to March 2, 2011.

27 24 The division takes effect upon enactment.

27 25 MISCELLANEOUS. This division requires the department of
27 26 economic development to select a site in or near the city of
27 27 Nashua for designation as a statewide welcome center. The
27 28 division also allows the department of administrative services
27 29 to enter into short term leases for space in the Iowa building
27 30 with persons associated with the media who are covering the
27 31 2012 Iowa presidential caucuses.

27 32 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

27 33 Unless otherwise provided, the bill, if approved by the
27 34 governor on or after July 1, 2011, takes effect upon enactment
27 35 and applies retroactively to July 1, 2011.

LSB 2823SV (2) 84

rh/tm



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SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1218)

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions,
3 providing penalties, and including effective, retroactive,
4 and applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2820SV (1) 84
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PAG LIN

1 1 DIVISION I
1 2 DEPARTMENT ON AGING ==== FY 2011=2012
1 3 Section 1. DEPARTMENT ON AGING. There is appropriated from
1 4 the general fund of the state to the department on aging for
1 5 the fiscal year beginning July 1, 2011, and ending June 30,
1 6 2012, the following amount, or so much thereof as is necessary,
1 7 to be used for the purposes designated:
1 8 For aging programs for the department on aging and area
1 9 agencies on aging to provide citizens of Iowa who are 60 years
1 10 of age and older with case management for frail elders, Iowa's
1 11 aging and disabilities resource center, and other services
1 12 which may include but are not limited to adult day services,
1 13 respite care, chore services, information and assistance,
1 14 and material aid, for information and options counseling for
1 15 persons with disabilities who are 18 years of age or older,
1 16 and for salaries, support, administration, maintenance, and
1 17 miscellaneous purposes, and for not more than the following
1 18 full-time equivalent positions:
1 19 \$ 10,302,577
1 20 FTEs 35.00
1 21 1. Funds appropriated in this section may be used to
1 22 supplement federal funds under federal regulations. To
1 23 receive funds appropriated in this section, a local area
1 24 agency on aging shall match the funds with moneys from other
1 25 sources according to rules adopted by the department. Funds
1 26 appropriated in this section may be used for elderly services
1 27 not specifically enumerated in this section only if approved
1 28 by an area agency on aging for provision of the service within
1 29 the area.
1 30 2. The amount appropriated in this section includes
1 31 additional funding of \$450,000 for delivery of long-term care
1 32 services to seniors with low or moderate incomes.
1 33 3. Of the funds appropriated in this section, \$179,946 shall
1 34 be transferred to the department of economic development for
1 35 the Iowa commission on volunteer services to be used for the



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2 1 retired and senior volunteer program.
2 2 4. a. The department on aging shall establish and enforce
2 3 procedures relating to expenditure of state and federal funds
2 4 by area agencies on aging that require compliance with both
2 5 state and federal laws, rules, and regulations, including but
2 6 not limited to all of the following:
2 7 (1) Requiring that expenditures are incurred only for goods
2 8 or services received or performed prior to the end of the
2 9 fiscal period designated for use of the funds.
2 10 (2) Prohibiting prepayment for goods or services not
2 11 received or performed prior to the end of the fiscal period
2 12 designated for use of the funds.
2 13 (3) Prohibiting the prepayment for goods or services
2 14 not defined specifically by good or service, time period, or
2 15 recipient.
2 16 (4) Prohibiting the establishment of accounts from which
2 17 future goods or services which are not defined specifically by
2 18 good or service, time period, or recipient, may be purchased.
2 19 b. The procedures shall provide that if any funds are
2 20 expended in a manner that is not in compliance with the
2 21 procedures and applicable federal and state laws, rules, and
2 22 regulations, and are subsequently subject to repayment, the
2 23 area agency on aging expending such funds in contravention of
2 24 such procedures, laws, rules and regulations, not the state,
2 25 shall be liable for such repayment.
2 26 DIVISION II
2 27 DEPARTMENT OF PUBLIC HEALTH ==== FY 2011=2012
2 28 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated
2 29 from the general fund of the state to the department of public
2 30 health for the fiscal year beginning July 1, 2011, and ending
2 31 June 30, 2012, the following amounts, or so much thereof as is
2 32 necessary, to be used for the purposes designated:
2 33 1. ADDICTIVE DISORDERS
2 34 For reducing the prevalence of use of tobacco, alcohol, and
2 35 other drugs, and treating individuals affected by addictive



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3 1 behaviors, including gambling, and for not more than the
3 2 following full-time equivalent positions:
3 3 \$ 24,603,190
3 4 FTEs 13.00
3 5 a. (1) Of the funds appropriated in this subsection,
3 6 \$4,353,830 shall be used for the tobacco use prevention and
3 7 control initiative, including efforts at the state and local
3 8 levels, as provided in chapter 142A.
3 9 (2) Of the funds allocated in this paragraph "a", \$453,830
3 10 shall be transferred to the alcoholic beverages division of
3 11 the department of commerce for enforcement of tobacco laws,
3 12 regulations, and ordinances in accordance with 2011 Iowa Acts,
3 13 House File 467, as enacted.
3 14 b. Of the funds appropriated in this subsection,
3 15 \$20,249,360 shall be used for problem gambling and substance
3 16 abuse prevention, treatment, and recovery services, including a
3 17 24-hour helpline, public information resources, professional
3 18 training, and program evaluation.
3 19 (1) Of the funds allocated in this paragraph "b",
3 20 \$17,132,508 shall be used for substance abuse prevention and
3 21 treatment.
3 22 (a) Of the funds allocated in this subparagraph (1),
3 23 \$899,300 shall be used for the public purpose of a grant
3 24 program to provide substance abuse prevention programming for
3 25 children.
3 26 (i) Of the funds allocated in this subparagraph division
3 27 (a), \$427,539 shall be used for grant funding for organizations
3 28 that provide programming for children by utilizing mentors.
3 29 Programs approved for such grants shall be certified or will
3 30 be certified within six months of receiving the grant award
3 31 by the Iowa commission on volunteer services as utilizing the
3 32 standards for effective practice for mentoring programs.
3 33 (ii) Of the funds allocated in this subparagraph division
3 34 (a), \$426,839 shall be used for grant funding for organizations
3 35 that provide programming that includes youth development and



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4 1 leadership. The programs shall also be recognized as being
4 2 programs that are scientifically based with evidence of their
4 3 effectiveness in reducing substance abuse in children.
4 4 (iii) The department of public health shall utilize a
4 5 request for proposals process to implement the grant program.
4 6 (iv) All grant recipients shall participate in a program
4 7 evaluation as a requirement for receiving grant funds.
4 8 (v) Of the funds allocated in this subparagraph division
4 9 (a), up to \$44,922 may be used to administer substance abuse
4 10 prevention grants and for program evaluations.
4 11 (b) Of the funds allocated in this subparagraph (1),
4 12 \$273,062 shall be used for culturally competent substance abuse
4 13 treatment pilot projects.
4 14 (i) The department shall utilize the amount allocated
4 15 in this subparagraph division (b) for at least three pilot
4 16 projects to provide culturally competent substance abuse
4 17 treatment in various areas of the state. Each pilot project
4 18 shall target a particular ethnic minority population. The
4 19 populations targeted shall include but are not limited to
4 20 African American, Asian, and Latino.
4 21 (ii) The pilot project requirements shall provide for
4 22 documentation or other means to ensure access to the cultural
4 23 competence approach used by a pilot project so that such
4 24 approach can be replicated and improved upon in successor
4 25 programs.
4 26 (2) Of the funds allocated in this paragraph "b", up
4 27 to \$3,116,852 may be used for problem gambling prevention,
4 28 treatment, and recovery services.
4 29 (a) Of the funds allocated in this subparagraph (2),
4 30 \$2,579,000 shall be used for problem gambling prevention and
4 31 treatment.
4 32 (b) Of the funds allocated in this subparagraph (2), up to
4 33 \$437,852 may be used for a 24-hour helpline, public information
4 34 resources, professional training, and program evaluation.
4 35 (c) Of the funds allocated in this subparagraph (2), up



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5 1 to \$100,000 may be used for the licensing of problem gambling
5 2 treatment programs.

5 3 (3) It is the intent of the general assembly that from the
5 4 moneys allocated in this paragraph "b", persons with a dual
5 5 diagnosis of substance abuse and gambling addictions shall be
5 6 given priority in treatment services.

5 7 c. Notwithstanding any provision of law to the contrary,
5 8 to standardize the availability, delivery, cost of delivery,
5 9 and accountability of problem gambling and substance abuse
5 10 treatment services statewide, the department shall continue
5 11 implementation of a process to create a system for delivery
5 12 of treatment services in accordance with the requirements
5 13 specified in 2008 Iowa Acts, chapter 1187, section 3,
5 14 subsection 4. To ensure the system provides a continuum of
5 15 treatment services that best meets the needs of Iowans, the
5 16 problem gambling and substance abuse treatment services in any
5 17 area may be provided either by a single agency or by separate
5 18 agencies submitting a joint proposal.

5 19 (1) The system for delivery of substance abuse and
5 20 problem gambling treatment shall include problem gambling
5 21 prevention by July 1, 2012. The department shall submit a
5 22 proposed legislative bill in accordance with section 2.16, for
5 23 consideration during the 2012 legislative session, addressing
5 24 any statutory revisions necessary for full implementation of
5 25 the system.

5 26 (2) The system for delivery of substance abuse and problem
5 27 gambling treatment shall include substance abuse prevention by
5 28 July 1, 2014.

5 29 (3) Of the funds allocated in paragraph "b", the department
5 30 may use up to \$100,000 for administrative costs to continue
5 31 developing and implementing the process in accordance with this
5 32 paragraph "c".

5 33 d. The requirement of section 123.53, subsection 5, is met
5 34 by the appropriations and allocations made in this Act for
5 35 purposes of substance abuse treatment and addictive disorders



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6 1 for the fiscal year beginning July 1, 2011.
6 2 e. The department of public health shall work with all other
6 3 departments that fund substance abuse prevention and treatment
6 4 services and all such departments shall, to the extent
6 5 necessary, collectively meet the state maintenance of effort
6 6 requirements for expenditures for substance abuse services
6 7 as required under the federal substance abuse prevention and
6 8 treatment block grant.
6 9 f. The department shall amend or otherwise revise
6 10 departmental policies and contract provisions in order to
6 11 eliminate free t-shirt distribution, banner production, and
6 12 other unnecessary promotional expenditures.
6 13 2. HEALTHY CHILDREN AND FAMILIES
6 14 For promoting the optimum health status for children,
6 15 adolescents from birth through 21 years of age, and families,
6 16 and for not more than the following full-time equivalent
6 17 positions:
6 18 \$ 2,594,270
6 19 FTEs 11.00
6 20 a. Of the funds appropriated in this subsection, not more
6 21 than \$739,318 shall be used for the healthy opportunities to
6 22 experience success (HOPES)=healthy families Iowa (HFI) program
6 23 established pursuant to section 135.106. The funding shall
6 24 be distributed to renew the grants that were provided to the
6 25 grantees that operated the program during the fiscal year
6 26 ending June 30, 2011.
6 27 b. Of the funds appropriated in this subsection, \$329,885
6 28 shall be used to continue to address the healthy mental
6 29 development of children from birth through five years of age
6 30 through local evidence-based strategies that engage both the
6 31 public and private sectors in promoting healthy development,
6 32 prevention, and treatment for children. A portion of the
6 33 funds allocated in this lettered paragraph may be used for a
6 34 full-time equivalent position to coordinate the activities
6 35 under this paragraph.



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7 1 c. Of the funds appropriated in this subsection, \$31,597
7 2 shall be distributed to a statewide dental carrier to provide
7 3 funds to continue the donated dental services program patterned
7 4 after the projects developed by the dental lifeline network
7 5 to provide dental services to indigent elderly and disabled
7 6 individuals.
7 7 d. Of the funds appropriated in this subsection, \$112,677
7 8 shall be used for childhood obesity prevention.
7 9 e. Of the funds appropriated in this subsection, \$163,760
7 10 shall be used to provide audiological services and hearing
7 11 aids for children. The department may enter into a contract
7 12 to administer this paragraph.
7 13 3. CHRONIC CONDITIONS
7 14 For serving individuals identified as having chronic
7 15 conditions or special health care needs, and for not more than
7 16 the following full-time equivalent positions:
7 17 \$ 3,399,156
7 18 FTEs 5.00
7 19 a. Of the funds appropriated in this subsection, \$160,582
7 20 shall be used for grants to individual patients who have
7 21 phenylketonuria (PKU) to assist with the costs of necessary
7 22 special foods.
7 23 b. Of the funds appropriated in this subsection, \$483,600
7 24 is allocated for continuation of the contracts for resource
7 25 facilitator services in accordance with section 135.22B,
7 26 subsection 9, and for brain injury training services and
7 27 recruiting of service providers to increase the capacity within
7 28 this state to address the needs of individuals with brain
7 29 injuries and such individuals' families.
7 30 c. Of the funds appropriated in this subsection, \$498,874
7 31 shall be used as additional funding to leverage federal funding
7 32 through the federal Ryan White Care Act, Tit. II, AIDS drug
7 33 assistance program supplemental drug treatment grants.
7 34 d. Of the funds appropriated in this subsection, \$31,254
7 35 shall be used for the public purpose of providing a grant to an



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8 1 existing national=affiliated organization to provide education,
8 2 client=centered programs, and client and family support for
8 3 people living with epilepsy and their families.

8 4 e. Of the funds appropriated in this subsection, \$788,303
8 5 shall be used for child health specialty clinics.

8 6 f. Of the funds appropriated in this subsection, \$547,065
8 7 shall be used for the comprehensive cancer control program to
8 8 reduce the burden of cancer in Iowa through prevention, early
8 9 detection, effective treatment, and ensuring quality of life.

8 10 Of the funds allocated in this lettered paragraph, \$200,000
8 11 shall be used to support a melanoma research symposium, a
8 12 melanoma biorepository and registry, basic and translational
8 13 melanoma research, and clinical trials.

8 14 g. Of the funds appropriated in this subsection, \$126,450
8 15 shall be used for cervical and colon cancer screening.

8 16 h. Of the funds appropriated in this subsection, \$528,834
8 17 shall be used for the center for congenital and inherited
8 18 disorders. A portion of the funds allocated in this paragraph
8 19 may be used for one full=time equivalent position for
8 20 administration of the center.

8 21 i. Of the funds appropriated in this subsection, \$129,937
8 22 shall be used for the prescription drug donation repository
8 23 program created in chapter 135M.

8 24 4. COMMUNITY CAPACITY

8 25 For strengthening the health care delivery system at the
8 26 local level, and for not more than the following full=time
8 27 equivalent positions:

8 28	\$	4,826,699
8 29	FTEs	14.00

8 30 a. Of the funds appropriated in this subsection, \$100,000
8 31 is allocated for a child vision screening program implemented
8 32 through the university of Iowa hospitals and clinics in
8 33 collaboration with early childhood Iowa areas.

8 34 b. Of the funds appropriated in this subsection, \$111,308 is
8 35 allocated for continuation of an initiative implemented at the



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9 1 university of Iowa and \$100,493 is allocated for continuation
9 2 of an initiative at the state mental health institute at
9 3 Cherokee to expand and improve the workforce engaged in
9 4 mental health treatment and services. The initiatives shall
9 5 receive input from the university of Iowa, the department
9 6 of human services, the department of public health, and the
9 7 mental health, mental retardation, developmental disabilities,
9 8 and brain injury commission to address the focus of the
9 9 initiatives.

9 10 c. Of the funds appropriated in this subsection, \$1,171,491
9 11 shall be used for essential public health services that promote
9 12 healthy aging throughout the lifespan, contracted through a
9 13 formula for local boards of health, to enhance health promotion
9 14 and disease prevention services.

9 15 d. Of the funds appropriated in this section, \$121,817 shall
9 16 be deposited in the governmental public health system fund
9 17 created in section 135A.8 to be used for the purposes of the
9 18 fund.

9 19 e. Of the funds appropriated in this subsection, \$106,279
9 20 shall be used for the mental health professional shortage area
9 21 program implemented pursuant to section 135.80.

9 22 f. Of the funds appropriated in this subsection,
9 23 \$38,263 shall be used for a grant to a statewide association
9 24 of psychologists that is affiliated with the American
9 25 psychological association to be used for continuation of a
9 26 program to rotate intern psychologists in placements in urban
9 27 and rural mental health professional shortage areas, as defined
9 28 in section 135.80.

9 29 g. Of the funds appropriated in this subsection, the
9 30 following amounts shall be allocated to the Iowa collaborative
9 31 safety net provider network established pursuant to section
9 32 135.153 to be used for the purposes designated. The following
9 33 amounts allocated under this lettered paragraph shall be
9 34 distributed to the specified provider and shall not be reduced
9 35 for administrative or other costs prior to distribution:



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10 1 (1) For distribution to the Iowa primary care association
10 2 for statewide coordination of the Iowa collaborative safety net
10 3 provider network:
10 4 \$ 132,580
10 5 (2) For distribution to the Iowa family planning network
10 6 agencies for necessary infrastructure, statewide coordination,
10 7 provider recruitment, service delivery, and provision of
10 8 assistance to patients in determining an appropriate medical
10 9 home:
10 10 \$ 74,517
10 11 (3) For distribution to the local boards of health that
10 12 provide direct services for pilot programs in three counties to
10 13 assist patients in determining an appropriate medical home:
10 14 \$ 74,517
10 15 (4) For distribution to maternal and child health centers
10 16 for pilot programs in three counties to assist patients in
10 17 determining an appropriate medical home:
10 18 \$ 74,517
10 19 (5) For distribution to free clinics for necessary
10 20 infrastructure, statewide coordination, provider recruitment,
10 21 service delivery, and provision of assistance to patients in
10 22 determining an appropriate medical home:
10 23 \$ 124,050
10 24 (6) For distribution to rural health clinics for necessary
10 25 infrastructure, statewide coordination, provider recruitment,
10 26 service delivery, and provision of assistance to patients in
10 27 determining an appropriate medical home:
10 28 \$ 110,430
10 29 (7) For continuation of the safety net provider patient
10 30 access to specialty health care initiative as described in 2007
10 31 Iowa Acts, chapter 218, section 109:
10 32 \$ 260,000
10 33 (8) For continuation of the pharmaceutical infrastructure
10 34 for safety net providers as described in 2007 Iowa Acts,
10 35 chapter 218, section 108:



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11 1 \$ 270,000
11 2 The Iowa collaborative safety net provider network may
11 3 continue to distribute funds allocated pursuant to this
11 4 lettered paragraph through existing contracts or renewal of
11 5 existing contracts.
11 6 h. (1) Of the funds appropriated in this subsection,
11 7 \$149,000 shall be used for continued implementation of
11 8 the recommendations of the direct care worker task force
11 9 established pursuant to 2005 Iowa Acts, chapter 88, based upon
11 10 the report submitted to the governor and the general assembly
11 11 in December 2006. The department may use a portion of the
11 12 funds allocated in this lettered paragraph for an additional
11 13 position to assist in the continued implementation.
11 14 (2) It is the intent of the general assembly that a
11 15 board of direct care workers shall be established within the
11 16 department of public health by July 1, 2014, contingent upon
11 17 the availability of funds to establish and maintain the board.
11 18 (3) The direct care worker advisory council shall submit
11 19 a final report no later than March 1, 2012, to the governor
11 20 and the general assembly, in accordance with 2010 Iowa
11 21 Acts, chapter 1192, section 2, subsection 4, paragraph "h",
11 22 subparagraph (3).
11 23 (4) The department of public health shall report to the
11 24 persons designated in this Act for submission of reports
11 25 regarding use of the funds allocated in this lettered
11 26 paragraph, on or before January 15, 2012.
11 27 i. (1) Of the funds appropriated in this subsection,
11 28 \$130,100 shall be used for allocation to an independent
11 29 statewide direct care worker association for education,
11 30 outreach, leadership development, mentoring, and other
11 31 initiatives intended to enhance the recruitment and retention
11 32 of direct care workers in health care and long-term care
11 33 settings.
11 34 (2) Of the funds appropriated in this subsection, \$58,000
11 35 shall be used to provide scholarships or other forms of



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12 1 subsidization for direct care worker educational conferences,
12 2 training, or outreach activities.

12 3 j. The department may utilize one of the full-time
12 4 equivalent positions authorized in this subsection for
12 5 administration of the activities related to the Iowa
12 6 collaborative safety net provider network.

12 7 k. Of the funds appropriated in this subsection, the
12 8 department may use up to \$60,000 for up to one full-time
12 9 equivalent position to administer the volunteer health care
12 10 provider program pursuant to section 135.24.

12 11 l. Of the funds appropriated in this subsection, \$50,000
12 12 shall be used for a matching dental education loan repayment
12 13 program to be allocated to a dental nonprofit health service
12 14 corporation to develop the criteria and implement the loan
12 15 repayment program.

12 16 m. Of the funds appropriated in this subsection, up to
12 17 \$134,214 shall be used to support the department's activities
12 18 relating to health and long-term care access as specified
12 19 pursuant to chapter 135, division XXIV.

12 20 n. Of the funds appropriated in this subsection,
12 21 \$363,987 shall be used as state matching funds for the health
12 22 information network as enacted by this Act.

12 23 o. Of the funds appropriated in this subsection, \$25,000
12 24 shall be used for a pilot program established through a
12 25 grant to an organization that has an existing program for
12 26 children and adults and that is solely dedicated to preserving
12 27 sight and preventing blindness to provide vision screening
12 28 to elementary school children in one urban and one rural
12 29 school district in the state, on a voluntary basis, over a
12 30 multiyear period. The grantee organization shall develop
12 31 protocol for participating schools including the grade level
12 32 of the children to be screened, the training and certification
12 33 necessary for individuals conducting the vision screening,
12 34 vision screening equipment requirements, and documentation and
12 35 tracking requirements. Following the conclusion of the pilot



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13 1 program, the grantee organization shall report findings and
13 2 recommendations for statewide implementation of the vision
13 3 screening program to the department of public health.
13 4 5. HEALTHY AGING
13 5 To provide public health services that reduce risks and
13 6 invest in promoting and protecting good health over the
13 7 course of a lifetime with a priority given to older Iowans and
13 8 vulnerable populations:
13 9 \$ 7,336,142
13 10 a. Of the funds appropriated in this subsection, \$2,009,187
13 11 shall be used for local public health nursing services.
13 12 b. Of the funds appropriated in this subsection, \$5,326,955
13 13 shall be used for home care aide services.
13 14 6. ENVIRONMENTAL HAZARDS
13 15 For reducing the public's exposure to hazards in the
13 16 environment, primarily chemical hazards, and for not more than
13 17 the following full-time equivalent positions:
13 18 \$ 813,777
13 19 FTEs 4.00
13 20 Of the funds appropriated in this subsection, \$544,377 shall
13 21 be used for childhood lead poisoning provisions.
13 22 7. INFECTIOUS DISEASES
13 23 For reducing the incidence and prevalence of communicable
13 24 diseases, and for not more than the following full-time
13 25 equivalent positions:
13 26 \$ 1,345,847
13 27 FTEs 4.00
13 28 8. PUBLIC PROTECTION
13 29 For protecting the health and safety of the public through
13 30 establishing standards and enforcing regulations, and for not
13 31 more than the following full-time equivalent positions:
13 32 \$ 2,778,688
13 33 FTEs 125.00
13 34 a. Of the funds appropriated in this subsection, not more
13 35 than \$424,146 shall be credited to the emergency medical



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14 1 services fund created in section 135.25. Moneys in the
14 2 emergency medical services fund are appropriated to the
14 3 department to be used for the purposes of the fund.
14 4 b. Of the funds appropriated in this subsection, \$210,619
14 5 shall be used for sexual violence prevention programming
14 6 through a statewide organization representing programs serving
14 7 victims of sexual violence through the department's sexual
14 8 violence prevention program. The amount allocated in this
14 9 lettered paragraph shall not be used to supplant funding
14 10 administered for other sexual violence prevention or victims
14 11 assistance programs.
14 12 c. Of the funds appropriated in this subsection, not more
14 13 than \$436,582 shall be used for the state poison control
14 14 center.
14 15 d. Of the funds appropriated in this subsection, \$50,000
14 16 shall be used for education, testing, training, and other costs
14 17 to conform the requirements for certification of emergency
14 18 medical care providers with national standards.
14 19 9. RESOURCE MANAGEMENT
14 20 For establishing and sustaining the overall ability of the
14 21 department to deliver services to the public, and for not more
14 22 than the following full-time equivalent positions:
14 23 \$ 819,554
14 24 FTEs 7.00
14 25 The university of Iowa hospitals and clinics under the
14 26 control of the state board of regents shall not receive
14 27 indirect costs from the funds appropriated in this section.
14 28 The university of Iowa hospitals and clinics billings to the
14 29 department shall be on at least a quarterly basis.
14 30 DIVISION III
14 31 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2011=2012
14 32 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
14 33 appropriated from the general fund of the state to the
14 34 department of veterans affairs for the fiscal year beginning
14 35 July 1, 2011, and ending June 30, 2012, the following amounts,



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15 1 or so much thereof as is necessary, to be used for the purposes
15 2 designated:

15 3 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

15 4 For salaries, support, maintenance, and miscellaneous
15 5 purposes, including the war orphans educational assistance fund
15 6 created in section 35.8, and for not more than the following
15 7 full-time equivalent positions:

15 8 \$ 998,832

15 9 FTEs 16.34

15 10 2. IOWA VETERANS HOME

15 11 For salaries, support, maintenance, and miscellaneous
15 12 purposes:

15 13 \$ 8,952,151

15 14 a. The Iowa veterans home billings involving the department
15 15 of human services shall be submitted to the department on at
15 16 least a monthly basis.

15 17 b. If there is a change in the employer of employees
15 18 providing services at the Iowa veterans home under a collective
15 19 bargaining agreement, such employees and the agreement shall
15 20 be continued by the successor employer as though there had not
15 21 been a change in employer.

15 22 c. Within available resources and in conformance with
15 23 associated state and federal program eligibility requirements,
15 24 the Iowa veterans home may implement measures to provide
15 25 financial assistance to or on behalf of veterans or their
15 26 spouses participating in the community reentry program.

15 27 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF DECEASED
15 28 VETERANS

15 29 For provision of educational assistance pursuant to section
15 30 35.9:

15 31 \$ 12,416

15 32 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
15 33 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
15 34 appropriation in the following designated section for the
15 35 fiscal year beginning July 1, 2011, and ending June 30, 2012,



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16 1 the amounts appropriated from the general fund of the state
16 2 pursuant to that section for the following designated purposes
16 3 shall not exceed the following amount:
16 4 For the county commissions of veterans affairs fund under
16 5 section 35A.16:
16 6 \$ 990,000
16 7
16 8 DIVISION IV
16 9 DEPARTMENT OF HUMAN SERVICES ==== FY 2011=2012
16 10 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
16 11 GRANT. There is appropriated from the fund created in section
16 12 8.41 to the department of human services for the fiscal year
16 13 beginning July 1, 2011, and ending June 30, 2012, from moneys
16 14 received under the federal temporary assistance for needy
16 15 families (TANF) block grant pursuant to the federal Personal
16 16 Responsibility and Work Opportunity Reconciliation Act of 1996,
16 17 Pub. L. No. 104=193, and successor legislation, and from moneys
16 18 received under the emergency contingency fund for temporary
16 19 assistance for needy families state program established
16 20 pursuant to the federal American Recovery and Reinvestment Act
16 21 of 2009, Pub. L. No. 111=5 { 2101, and successor legislation,
16 22 the following amounts, or so much thereof as is necessary, to
16 23 be used for the purposes designated:
16 24 1. To be credited to the family investment program account
16 25 and used for assistance under the family investment program
16 26 under chapter 239B:
16 27 \$ 21,500,738
16 28 2. To be credited to the family investment program account
16 29 and used for the job opportunities and basic skills (JOBS)
16 30 program and implementing family investment agreements in
16 31 accordance with chapter 239B:
16 32 \$ 12,411,528
16 33 3. To be used for the family development and
16 34 self=sufficiency grant program in accordance with section
16 35 216A.107:
16 \$ 2,898,980



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17 1 Notwithstanding section 8.33, moneys appropriated in this
17 2 subsection that remain unencumbered or unobligated at the close
17 3 of the fiscal year shall not revert but shall remain available
17 4 for expenditure for the purposes designated until the close of
17 5 the succeeding fiscal year. However, unless such moneys are
17 6 encumbered or obligated on or before September 30, 2012, the
17 7 moneys shall revert.

17 8 4. For field operations:
17 9 \$ 31,296,232

17 10 5. For general administration:
17 11 \$ 3,744,000

17 12 6. For state child care assistance:
17 13 \$ 16,382,687

17 14 The funds appropriated in this subsection shall be
17 15 transferred to the child care and development block grant
17 16 appropriation made by the Eighty=fourth General Assembly, 2011
17 17 Session, for the federal fiscal year beginning October 1,
17 18 2011, and ending September 30, 2012. Of this amount, \$200,000
17 19 shall be used for provision of educational opportunities to
17 20 registered child care home providers in order to improve
17 21 services and programs offered by this category of providers
17 22 and to increase the number of providers. The department may
17 23 contract with institutions of higher education or child care
17 24 resource and referral centers to provide the educational
17 25 opportunities. Allowable administrative costs under the
17 26 contracts shall not exceed 5 percent. The application for a
17 27 grant shall not exceed two pages in length.

17 28 7. For mental health and developmental disabilities
17 29 community services:
17 30 \$ 4,894,052

17 31 8. For child and family services:
17 32 \$ 32,084,430

17 33 9. For child abuse prevention grants:
17 34 \$ 125,000

17 35 10. For pregnancy prevention grants on the condition that



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18 1 family planning services are funded:
18 2 \$ 1,930,067
18 3 Pregnancy prevention grants shall be awarded to programs
18 4 in existence on or before July 1, 2011, if the programs are
18 5 comprehensive in scope and have demonstrated positive outcomes.
18 6 Grants shall be awarded to pregnancy prevention programs
18 7 which are developed after July 1, 2011, if the programs are
18 8 comprehensive in scope and are based on existing models that
18 9 have demonstrated positive outcomes. Grants shall comply with
18 10 the requirements provided in 1997 Iowa Acts, chapter 208,
18 11 section 14, subsections 1 and 2, including the requirement that
18 12 grant programs must emphasize sexual abstinence. Priority in
18 13 the awarding of grants shall be given to programs that serve
18 14 areas of the state which demonstrate the highest percentage of
18 15 unplanned pregnancies of females of childbearing age within the
18 16 geographic area to be served by the grant.
18 17 11. For technology needs and other resources necessary
18 18 to meet federal welfare reform reporting, tracking, and case
18 19 management requirements:
18 20 \$ 1,037,186
18 21 12. To be credited to the state child care assistance
18 22 appropriation made in this section to be used for funding of
18 23 community-based early childhood programs targeted to children
18 24 from birth through five years of age developed by early
18 25 childhood Iowa areas as provided in section 256I.11:
18 26 \$ 6,350,000
18 27 The department shall transfer TANF block grant funding
18 28 appropriated and allocated in this subsection to the child care
18 29 and development block grant appropriation in accordance with
18 30 federal law as necessary to comply with the provisions of this
18 31 subsection.
18 32 13. a. Notwithstanding any provision to the contrary,
18 33 including but not limited to requirements in section 8.41
18 34 or provisions in 2010 Iowa Acts regarding the receipt and
18 35 appropriation of federal block grants, federal funds from the



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19 1 emergency contingency fund for temporary assistance for needy
19 2 families state program established pursuant to the federal
19 3 American Recovery and Reinvestment Act of 2009, Pub. L. No.
19 4 111=5 { 2101, received by the state during the fiscal year
19 5 beginning July 1, 2010, and ending June 30, 2011, not otherwise
19 6 appropriated in this section and remaining available as of
19 7 July 1, 2011, and received by the state during the fiscal
19 8 year beginning July 1, 2011, and ending June 30, 2012, are
19 9 appropriated to the extent as may be necessary to be used in
19 10 the following priority order: the family investment program
19 11 for the fiscal year and for state child care assistance program
19 12 payments for individuals enrolled in the family investment
19 13 program who are employed. The federal funds appropriated in
19 14 this paragraph "a" shall be expended only after all other
19 15 funds appropriated in subsection 1 for the assistance under
19 16 the family investment program under chapter 239B have been
19 17 expended.
19 18 b. The department shall, on a quarterly basis, advise the
19 19 legislative services agency and department of management of
19 20 the amount of funds appropriated in this subsection that was
19 21 expended in the prior quarter.
19 22 14. Of the amounts appropriated in this section,
19 23 \$12,962,008 for the fiscal year beginning July 1, 2011, shall
19 24 be transferred to the appropriation of the federal social
19 25 services block grant made for that fiscal year.
19 26 15. For continuation of the program allowing the department
19 27 to maintain categorical eligibility for the food assistance
19 28 program as required under the section of this division relating
19 29 to the family investment account:
19 30 \$ 146,072
19 31 16. The department may transfer funds allocated in this
19 32 section to the appropriations made in this Act for general
19 33 administration and field operations for resources necessary to
19 34 implement and operate the services referred to in this section
19 35 and those funded in the appropriation made in this division of



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20 1 this Act for the family investment program from the general
20 2 fund of the state.
20 3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
20 4 1. Moneys credited to the family investment program (FIP)
20 5 account for the fiscal year beginning July 1, 2011, and
20 6 ending June 30, 2012, shall be used to provide assistance in
20 7 accordance with chapter 239B.
20 8 2. The department may use a portion of the moneys credited
20 9 to the FIP account under this section as necessary for
20 10 salaries, support, maintenance, and miscellaneous purposes.
20 11 3. The department may transfer funds allocated in
20 12 this section to the appropriations in this Act for general
20 13 administration and field operations for resources necessary to
20 14 implement and operate the services referred to in this section
20 15 and those funded in the appropriation made in this division of
20 16 this Act for the family investment program from the general
20 17 fund of the state.
20 18 4. Moneys appropriated in this division of this Act and
20 19 credited to the FIP account for the fiscal year beginning July
20 20 1, 2011, and ending June 30, 2012, are allocated as follows:
20 21 a. To be retained by the department of human services to
20 22 be used for coordinating with the department of human rights
20 23 to more effectively serve participants in the FIP program and
20 24 other shared clients and to meet federal reporting requirements
20 25 under the federal temporary assistance for needy families block
20 26 grant:
20 27 \$ 20,000
20 28 b. To the department of human rights for staffing,
20 29 administration, and implementation of the family development
20 30 and self=sufficiency grant program in accordance with section
20 31 216A.107:
20 32 \$ 5,342,834
20 33 (1) Of the funds allocated for the family development and
20 34 self=sufficiency grant program in this lettered paragraph,
20 35 not more than 5 percent of the funds shall be used for the



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21 1 administration of the grant program.
21 2 (2) The department of human rights may continue to implement
21 3 the family development and self=sufficiency grant program
21 4 statewide during fiscal year 2011=2012.
21 5 c. For the diversion subaccount of the FIP account:
21 6 \$ 1,698,400
21 7 A portion of the moneys allocated for the subaccount may
21 8 be used for field operations salaries, data management system
21 9 development, and implementation costs and support deemed
21 10 necessary by the director of human services in order to
21 11 administer the FIP diversion program.
21 12 d. For the food stamp employment and training program:
21 13 \$ 66,588
21 14 (1) The department shall amend the food stamp employment and
21 15 training state plan in order to maximize to the fullest extent
21 16 permitted by federal law the use of the 50=50 match provisions
21 17 for the claiming of allowable federal matching funds from the
21 18 United States department of agriculture pursuant to the federal
21 19 food stamp employment and training program for providing
21 20 education, employment, and training services for eligible food
21 21 assistance program participants, including but not limited to
21 22 related dependent care and transportation expenses.
21 23 (2) The department shall continue the categorical federal
21 24 food assistance program eligibility at 160 percent of the
21 25 federal poverty level and continue to eliminate the asset test
21 26 from eligibility requirements, consistent with federal food
21 27 assistance program requirements. The department shall include
21 28 as many food assistance households as is allowed by federal
21 29 law. The eligibility provisions shall conform to all federal
21 30 requirements including requirements addressing individuals who
21 31 are incarcerated or otherwise ineligible.
21 32 e. For the JOBS program:
21 33 \$ 20,235,905
21 34 5. Of the child support collections assigned under FIP,
21 35 an amount equal to the federal share of support collections



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22 1 shall be credited to the child support recovery appropriation
22 2 made in this division of this Act. Of the remainder of the
22 3 assigned child support collections received by the child
22 4 support recovery unit, a portion shall be credited to the FIP
22 5 account, a portion may be used to increase recoveries, and a
22 6 portion may be used to sustain cash flow in the child support
22 7 payments account. If as a consequence of the appropriations
22 8 and allocations made in this section the resulting amounts
22 9 are insufficient to sustain cash assistance payments and meet
22 10 federal maintenance of effort requirements, the department
22 11 shall seek supplemental funding. If child support collections
22 12 assigned under FIP are greater than estimated or are otherwise
22 13 determined not to be required for maintenance of effort, the
22 14 state share of either amount may be transferred to or retained
22 15 in the child support payment account.

22 16 6. The department may adopt emergency rules for the family
22 17 investment, JOBS, food stamp, and medical assistance programs
22 18 if necessary to comply with federal requirements.

22 19 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
22 20 is appropriated from the general fund of the state to the
22 21 department of human services for the fiscal year beginning July
22 22 1, 2011, and ending June 30, 2012, the following amount, or
22 23 so much thereof as is necessary, to be used for the purpose
22 24 designated:

22 25 To be credited to the family investment program (FIP)
22 26 account and used for family investment program assistance under
22 27 chapter 239B:

22 28 \$ 50,171,027

22 29 1. Of the funds appropriated in this section, \$7,824,377 is
22 30 allocated for the JOBS program.

22 31 2. Of the funds appropriated in this section, \$2,463,854 is
22 32 allocated for the family development and self-sufficiency grant
22 33 program.

22 34 3. Notwithstanding section 8.39, for the fiscal year
22 35 beginning July 1, 2011, if necessary to meet federal



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23 1 maintenance of effort requirements or to transfer federal
23 2 temporary assistance for needy families block grant funding
23 3 to be used for purposes of the federal social services block
23 4 grant or to meet cash flow needs resulting from delays in
23 5 receiving federal funding or to implement, in accordance with
23 6 this division of this Act, activities currently funded with
23 7 juvenile court services, county, or community moneys and state
23 8 moneys used in combination with such moneys, the department
23 9 of human services may transfer funds within or between any
23 10 of the appropriations made in this division of this Act and
23 11 appropriations in law for the federal social services block
23 12 grant to the department for the following purposes, provided
23 13 that the combined amount of state and federal temporary
23 14 assistance for needy families block grant funding for each
23 15 appropriation remains the same before and after the transfer:
23 16 a. For the family investment program.
23 17 b. For child care assistance.
23 18 c. For child and family services.
23 19 d. For field operations.
23 20 e. For general administration.
23 21 f. MH/MR/DD/BI community services (local purchase).
23 22 This subsection shall not be construed to prohibit the use
23 23 of existing state transfer authority for other purposes. The
23 24 department shall report any transfers made pursuant to this
23 25 subsection to the legislative services agency.
23 26 4. Of the funds appropriated in this section, \$195,678 shall
23 27 be used for continuation of a grant to an Iowa-based nonprofit
23 28 organization with a history of providing tax preparation
23 29 assistance to low-income Iowans in order to expand the usage of
23 30 the earned income tax credit. The purpose of the grant is to
23 31 supply this assistance to underserved areas of the state.
23 32 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
23 33 from the general fund of the state to the department of human
23 34 services for the fiscal year beginning July 1, 2011, and ending
23 35 June 30, 2012, the following amount, or so much thereof as is



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24 1 necessary, to be used for the purposes designated:
24 2 For child support recovery, including salaries, support,
24 3 maintenance, and miscellaneous purposes, and for not more than
24 4 the following full-time equivalent positions:
24 5 \$ 13,119,255
24 6 FTEs 475.00
24 7 1. The department shall expend up to \$24,329, including
24 8 federal financial participation, for the fiscal year beginning
24 9 July 1, 2011, for a child support public awareness campaign.
24 10 The department and the office of the attorney general shall
24 11 cooperate in continuation of the campaign. The public
24 12 awareness campaign shall emphasize, through a variety of
24 13 media activities, the importance of maximum involvement of
24 14 both parents in the lives of their children as well as the
24 15 importance of payment of child support obligations.
24 16 2. Federal access and visitation grant moneys shall be
24 17 issued directly to private not-for-profit agencies that provide
24 18 services designed to increase compliance with the child access
24 19 provisions of court orders, including but not limited to
24 20 neutral visitation sites and mediation services.
24 21 3. The appropriation made to the department for child
24 22 support recovery may be used throughout the fiscal year in the
24 23 manner necessary for purposes of cash flow management, and for
24 24 cash flow management purposes the department may temporarily
24 25 draw more than the amount appropriated, provided the amount
24 26 appropriated is not exceeded at the close of the fiscal year.
24 27 4. With the exception of the funding amount specified, the
24 28 requirements established under 2001 Iowa Acts, chapter 191,
24 29 section 3, subsection 5, paragraph "c", subparagraph (3), shall
24 30 be applicable to parental obligation pilot projects for the
24 31 fiscal year beginning July 1, 2011, and ending June 30, 2012.
24 32 Notwithstanding 441 IAC 100.8, providing for termination of
24 33 rules relating to the pilot projects, the rules shall remain
24 34 in effect until June 30, 2012.
24 35 Sec. 9. HEALTH CARE TRUST FUND ==== MEDICAL ASSISTANCE. Any



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25 1 funds remaining in the health care trust fund created in
25 2 section 453A.35A for the fiscal year beginning July 1, 2011,
25 3 and ending June 30, 2012, are appropriated to the department
25 4 of human services to supplement the medical assistance program
25 5 appropriations made in this Act, for medical assistance
25 6 reimbursement and associated costs, including program
25 7 administration and costs associated with implementation.
25 8 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the
25 9 general fund of the state to the department of human services
25 10 for the fiscal year beginning July 1, 2011, and ending June 30,
25 11 2012, the following amount, or so much thereof as is necessary,
25 12 to be used for the purpose designated:
25 13 For medical assistance reimbursement and associated costs
25 14 as specifically provided in the reimbursement methodologies
25 15 in effect on June 30, 2011, except as otherwise expressly
25 16 authorized by law, including reimbursement for abortion
25 17 services which shall be available under the medical assistance
25 18 program only for those abortions which are medically necessary:
25 19 \$897,816,915
25 20 1. Medically necessary abortions are those performed under
25 21 any of the following conditions:
25 22 a. The attending physician certifies that continuing the
25 23 pregnancy would endanger the life of the pregnant woman.
25 24 b. The attending physician certifies that the fetus is
25 25 physically deformed, mentally deficient, or afflicted with a
25 26 congenital illness.
25 27 c. The pregnancy is the result of a rape which is reported
25 28 within 45 days of the incident to a law enforcement agency or
25 29 public or private health agency which may include a family
25 30 physician.
25 31 d. The pregnancy is the result of incest which is reported
25 32 within 150 days of the incident to a law enforcement agency
25 33 or public or private health agency which may include a family
25 34 physician.
25 35 e. Any spontaneous abortion, commonly known as a



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26 1 miscarriage, if not all of the products of conception are
26 2 expelled.

26 3 2. The department shall utilize not more than \$60,000 of
26 4 the funds appropriated in this section to continue the AIDS/HIV
26 5 health insurance premium payment program as established in 1992
26 6 Iowa Acts, Second Extraordinary Session, chapter 1001, section
26 7 409, subsection 6. Of the funds allocated in this subsection,
26 8 not more than \$5,000 may be expended for administrative
26 9 purposes.

26 10 3. Of the funds appropriated in this Act to the department
26 11 of public health for addictive disorders, \$950,000 for the
26 12 fiscal year beginning July 1, 2011, shall be transferred to
26 13 the department of human services for an integrated substance
26 14 abuse managed care system. The department shall not assume
26 15 management of the substance abuse system in place of the
26 16 managed care contractor unless such a change in approach is
26 17 specifically authorized in law. The departments of human
26 18 services and public health shall work together to maintain
26 19 the level of mental health and substance abuse services
26 20 provided by the managed care contractor through the Iowa plan
26 21 for behavioral health. Each department shall take the steps
26 22 necessary to continue the federal waivers as necessary to
26 23 maintain the level of services.

26 24 4. a. The department shall aggressively pursue options for
26 25 providing medical assistance or other assistance to individuals
26 26 with special needs who become ineligible to continue receiving
26 27 services under the early and periodic screening, diagnostic,
26 28 and treatment program under the medical assistance program
26 29 due to becoming 21 years of age who have been approved for
26 30 additional assistance through the department's exception to
26 31 policy provisions, but who have health care needs in excess
26 32 of the funding available through the exception to policy
26 33 provisions.

26 34 b. Of the funds appropriated in this section, \$100,000
26 35 shall be used for participation in one or more pilot projects



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27 1 operated by a private provider to allow the individual or
27 2 individuals to receive service in the community in accordance
27 3 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
27 4 (1999), for the purpose of providing medical assistance or
27 5 other assistance to individuals with special needs who become
27 6 ineligible to continue receiving services under the early and
27 7 periodic screening, diagnosis, and treatment program under
27 8 the medical assistance program due to becoming 21 years of
27 9 age who have been approved for additional assistance through
27 10 the department's exception to policy provisions, but who have
27 11 health care needs in excess of the funding available through
27 12 the exception to the policy provisions.

27 13 5. Of the funds appropriated in this section, up to
27 14 \$3,050,082 may be transferred to the field operations
27 15 or general administration appropriations in this Act for
27 16 operational costs associated with Part D of the federal
27 17 Medicare Prescription Drug Improvement and Modernization Act
27 18 of 2003, Pub. L. No. 108=173.

27 19 6. Of the funds appropriated in this section, up to \$442,100
27 20 may be transferred to the appropriation in this Act for medical
27 21 contracts to be used for clinical assessment services and prior
27 22 authorization of services.

27 23 7. A portion of the funds appropriated in this section
27 24 may be transferred to the appropriations in this division of
27 25 this Act for general administration, medical contracts, the
27 26 children's health insurance program, or field operations to be
27 27 used for the state match cost to comply with the payment error
27 28 rate measurement (PERM) program for both the medical assistance
27 29 and children's health insurance programs as developed by the
27 30 centers for Medicare and Medicaid services of the United States
27 31 department of health and human services to comply with the
27 32 federal Improper Payments Information Act of 2002, Pub. L. No.
27 33 107=300.

27 34 8. It is the intent of the general assembly that the
27 35 department continue to implement the recommendations of



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28 1 the assuring better child health and development initiative
28 2 II (ABCDII) clinical panel to the Iowa early and periodic
28 3 screening, diagnostic, and treatment services healthy mental
28 4 development collaborative board regarding changes to billing
28 5 procedures, codes, and eligible service providers.
28 6 9. Of the funds appropriated in this section, a sufficient
28 7 amount is allocated to supplement the incomes of residents of
28 8 nursing facilities, intermediate care facilities for persons
28 9 with mental illness, and intermediate care facilities for
28 10 persons with mental retardation, with incomes of less than \$50
28 11 in the amount necessary for the residents to receive a personal
28 12 needs allowance of \$50 per month pursuant to section 249A.30A.
28 13 10. Of the funds appropriated in this section, the following
28 14 amounts shall be transferred to the appropriations made in this
28 15 division of this Act for the state mental health institutes:
28 16 a. Cherokee mental health institute \$ 9,098,425
28 17 b. Clarinda mental health institute \$ 1,977,305
28 18 c. Independence mental health institute \$ 9,045,894
28 19 d. Mount Pleasant mental health institute \$ 5,752,587
28 20 11. a. Of the funds appropriated in this section,
28 21 \$7,425,684 is allocated for the state match for a
28 22 disproportionate share hospital payment of \$19,133,430 to
28 23 hospitals that meet both of the conditions specified in
28 24 subparagraphs (1) and (2). In addition, the hospitals that
28 25 meet the conditions specified shall either certify public
28 26 expenditures or transfer to the medical assistance program
28 27 an amount equal to provide the nonfederal share for a
28 28 disproportionate share hospital payment of \$7,500,000. The
28 29 hospitals that meet the conditions specified shall receive and
28 30 retain 100 percent of the total disproportionate share hospital
28 31 payment of \$26,633,430.
28 32 (1) The hospital qualifies for disproportionate share and
28 33 graduate medical education payments.
28 34 (2) The hospital is an Iowa state-owned hospital with more
28 35 than 500 beds and eight or more distinct residency specialty



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29 1 or subspecialty programs recognized by the American college of
29 2 graduate medical education.

29 3 b. Distribution of the disproportionate share payments
29 4 shall be made on a monthly basis. The total amount of
29 5 disproportionate share payments including graduate medical
29 6 education, enhanced disproportionate share, and Iowa
29 7 state-owned teaching hospital payments shall not exceed the
29 8 amount of the state's allotment under Pub. L. No. 102=234.

29 9 In addition, the total amount of all disproportionate
29 10 share payments shall not exceed the hospital-specific
29 11 disproportionate share limits under Pub. L. No. 103=66.

29 12 12. The university of Iowa hospitals and clinics shall
29 13 either certify public expenditures or transfer to the medical
29 14 assistance appropriation an amount equal to provide the
29 15 nonfederal share for increased medical assistance payments for
29 16 inpatient and outpatient hospital services of \$9,900,000. The
29 17 university of Iowa hospitals and clinics shall receive and
29 18 retain 100 percent of the total increase in medical assistance
29 19 payments.

29 20 13. Of the funds appropriated in this section, up to
29 21 \$4,480,304 may be transferred to the IowaCare account created
29 22 in section 249J.24.

29 23 14. Of the funds appropriated in this section, \$200,000
29 24 shall be used for the Iowa chronic care consortium pursuant to
29 25 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
29 26 Iowa Acts, chapter 179, sections 166 and 167.

29 27 15. One hundred percent of the nonfederal share of payments
29 28 to area education agencies that are medical assistance
29 29 providers for medical assistance-covered services provided to
29 30 medical assistance-covered children, shall be made from the
29 31 appropriation made in this section.

29 32 16. Any new or renewed contract entered into by the
29 33 department with a third party to administer behavioral health
29 34 services under the medical assistance program shall provide
29 35 that any interest earned on payments from the state during



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30 1 the state fiscal year shall be remitted to the department
30 2 and treated as recoveries to offset the costs of the medical
30 3 assistance program.
30 4 17. The department shall continue to implement the
30 5 provisions in 2007 Iowa Acts, chapter 218, section 124 and
30 6 section 126, as amended by 2008 Iowa Acts, chapter 1188,
30 7 section 55, relating to eligibility for certain persons with
30 8 disabilities under the medical assistance program in accordance
30 9 with the federal family opportunity Act.
30 10 18. A portion of the funds appropriated in this section
30 11 may be transferred to the appropriation in this division of
30 12 this Act for medical contracts to be used for administrative
30 13 activities associated with the money follows the person
30 14 demonstration project.
30 15 19. Of the funds appropriated in this section, \$349,011
30 16 shall be used for the administration of the health insurance
30 17 premium payment program, including salaries, support,
30 18 maintenance, and miscellaneous purposes for the fiscal year
30 19 beginning July 1, 2011.
30 20 20. a. The department may implement cost containment
30 21 strategies recommended by the governor, and may adopt emergency
30 22 rules for such implementation.
30 23 b. The department shall not implement the cost containment
30 24 strategy to require a primary care referral for the provision
30 25 of chiropractic services.
30 26 c. The department may increase the amounts allocated for
30 27 salaries, support, maintenance, and miscellaneous purposes
30 28 associated with the medical assistance program, as necessary,
30 29 to implement the cost containment strategies. The department
30 30 shall report any such increase to the legislative services
30 31 agency and the department of management.
30 32 d. If the savings to the medical assistance program exceed
30 33 the cost, the department may transfer any savings generated
30 34 for the fiscal year due to medical assistance program cost
30 35 containment efforts initiated pursuant to 2010 Iowa Acts,



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31 1 chapter 1031, Executive Order No. 20, issued December 16, 2009,
31 2 or cost containment strategies initiated pursuant to this
31 3 subsection, to the appropriation made in this division of this
31 4 Act for medical contracts or general administration to defray
31 5 the increased contract costs associated with implementing such
31 6 efforts.

31 7 e. The department shall report the implementation of
31 8 any cost containment strategies under this subsection to
31 9 the individuals specified in this division of this Act for
31 10 submission of reports on a quarterly basis.

31 11 21. Notwithstanding any provision of law to the contrary,
31 12 the department of human services shall amend the section
31 13 1915(b) waiver and Iowa plan contract to include remedial
31 14 services under the Iowa plan contract effective July 1, 2011.

31 15 22. Of the funds appropriated in this section, \$5,000,000
31 16 shall be used to reduce the waiting lists of the medical
31 17 assistance home and community-based services waivers, including
31 18 the waiver for persons with intellectual disabilities for
31 19 which the nonfederal share is paid as state case services and
31 20 other support pursuant to section 331.440. The department
31 21 shall distribute the funding allocated under this subsection
31 22 proportionately among all home and community-based services
31 23 waivers.

31 24 23. a. The department may submit medical assistance program
31 25 state plan amendments to the centers for Medicare and Medicaid
31 26 services of the United States department of health and human
31 27 services, and may adopt administrative rules pursuant to
31 28 chapter 17A to implement any of the following if the respective
31 29 state plan amendment is approved:

31 30 (1) Health homes pursuant to section 2703 of the federal
31 31 Patient Protection and Affordable Care Act, Pub. L. No.
31 32 111-148. The department shall collaborate with the medical
31 33 home system advisory council created pursuant to section
31 34 135.159 in developing such health homes.

31 35 (2) Accountable care organization pilot programs, if such



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32 1 programs are advantageous to the medical assistance program.

32 2 b. Any health home or accountable care organization
32 3 pilot program implemented pursuant to this subsection shall
32 4 demonstrate value to the state with a positive return on
32 5 investment within two years of implementation, and may utilize
32 6 care coordination fees, pay=for=performance fees, or shared
32 7 saving strategies if approved as part of the state plan
32 8 amendment.

32 9 24. The department, in consultation with the Iowa pharmacy
32 10 association and other appropriate entities, shall develop
32 11 recommendations to replace the reimbursement methodology of
32 12 average wholesale price minus 12 percent for covered brand=name
32 13 prescription drugs, generic drugs, and over=the=counter drugs.
32 14 The department shall report the recommendations to the persons
32 15 designated in this division of this Act for submission of
32 16 reports by December 15, 2011.

32 17 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the
32 18 general fund of the state to the department of human services
32 19 for the fiscal year beginning July 1, 2011, and ending June 30,
32 20 2012, the following amount, or so much thereof as is necessary,
32 21 to be used for the purpose designated:

32 22 For medical contracts:

32 23 \$ 9,893,844

32 24 1. The department of inspections and appeals shall
32 25 provide all state matching funds for survey and certification
32 26 activities performed by the department of inspections
32 27 and appeals. The department of human services is solely
32 28 responsible for distributing the federal matching funds for
32 29 such activities.

32 30 2. Of the funds appropriated in this section, \$150,000 shall
32 31 be used for implementation of a uniform cost report to be used
32 32 in the development of specified Medicaid reimbursement rates
32 33 over a multiyear timeframe. The department of human services,
32 34 in collaboration with affected providers, shall finalize a
32 35 uniform cost report that includes provider type=specific cost



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33 1 schedules by December 15, 2011. The uniform cost report shall
33 2 be applied to providers of home and community-based services
33 3 waiver services, habilitation services, case management
33 4 services and community mental health centers, residential care
33 5 facilities, psychiatric medical institutions for children, and
33 6 intermediate care facilities for the mentally retarded in the
33 7 development of Medicaid reimbursement rates. The department
33 8 shall collaborate with affected Medicaid providers to test
33 9 the effectiveness of the cost report and determine the fiscal
33 10 impact of implementing the uniform cost report during the
33 11 fiscal year beginning July 1, 2012. A report of the findings
33 12 and fiscal impact shall be submitted to the governor and the
33 13 general assembly by December 31, 2013. The rates paid in the
33 14 fiscal year beginning July 1, 2014, shall be established using
33 15 uniform cost reports submitted in the fiscal year beginning
33 16 July 1, 2012. Implementation of the uniform cost report shall
33 17 be limited to the extent of the funding available.
33 18 3. a. Of the funds appropriated in this section, \$100,000
33 19 shall be used for implementation of an electronic medical
33 20 record system, including system purchase or development, for
33 21 home and community-based services providers and mental health
33 22 services providers that comply with the requirements of federal
33 23 and state laws and regulation by the fiscal year beginning July
33 24 1, 2013.
33 25 b. The department shall analyze the costs and benefits of
33 26 providing an electronic medical record and billing system for
33 27 home and community-based services providers and mental health
33 28 services providers that comply with the requirements of federal
33 29 and state laws and regulation. The analysis shall include a
33 30 review of all of the following: including the capability for
33 31 an electronic medical record and billing system within the
33 32 procurement for the Medicaid management information system,
33 33 developing the system, and utilizing capacity within the health
33 34 information network established by the department of public
33 35 health as enacted in this Act. If the analysis demonstrates



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34 1 that a program may be implemented in a cost=effective manner
34 2 and within available funds, the department may take steps to
34 3 implement such a system. The department shall report the
34 4 results of the analysis, activities, and recommendations to the
34 5 persons designated in this division of this Act for submission
34 6 of reports by December 15, 2011.

34 7 c. Notwithstanding section 8.33, funds allocated in this
34 8 subsection that remain unencumbered or unobligated at the close
34 9 of the fiscal year shall not revert but shall remain available
34 10 in succeeding fiscal years to be used for the purposes
34 11 designated.

34 12 4. Of the amount appropriated in this section, \$3,500,000
34 13 shall be used for technology upgrades necessary to support
34 14 Medicaid claims and other health operations, worldwide federal
34 15 Health Insurance Portability and Accountability Act of 1996
34 16 (HIPAA) claims, transactions, and coding requirements, and the
34 17 Iowa automated benefits calculation system. Notwithstanding
34 18 section 8.33, funds allocated in this subsection that remain
34 19 unencumbered or unobligated at the close of the fiscal year
34 20 shall not revert but shall remain available in succeeding
34 21 fiscal years to be used for the purposes designated.

34 22 5. Of the funds appropriated in this section, \$100,000 shall
34 23 be used for an accountable care organization pilot project
34 24 as specified in the division of this Act relating to prior
34 25 appropriations and related changes.

34 26 6. Of the funds appropriated in this section, \$200,000 shall
34 27 be used for the development of a provider payment system plan
34 28 to provide recommendations to reform the health care provider
34 29 payment system as an effective way to promote coordination of
34 30 care, lower costs, and improve quality as specified in the
34 31 division of this Act relating to cost containment.

34 32 7. Of the funds appropriated in this section, \$20,000 shall
34 33 be used for the development of a plan to establish an all=payer
34 34 claims database to provide for the collection and analysis of
34 35 claims data from multiple payers of health care as specified in



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35 1 the division of this Act relating to cost containment.

35 2 8. The department shall amend the state Medicaid health
35 3 information technology plan to include costs related to the
35 4 one-time development costs of the health information network
35 5 as enacted in this Act.

35 6 9. Of the amount appropriated in this section, up to
35 7 \$250,000 may be transferred to the appropriation for general
35 8 administration in this division of this Act to be used for
35 9 additional full-time equivalent positions in the development of
35 10 key health initiatives such as cost containment, development
35 11 and oversight of managed care programs, and development of
35 12 health strategies targeted toward improved quality and reduced
35 13 costs in the Medicaid program.

35 14 10. Of the funds appropriated in this section, \$50,000 shall
35 15 be used for home and community-based services waiver quality
35 16 assurance programs, including the review and streamlining
35 17 of processes and policies related to oversight and quality
35 18 management to meet state and federal requirements. The
35 19 department shall submit a report to the persons designated by
35 20 this division of this Act for submission of reports by December
35 21 15, 2011, regarding the modifications to the quality assurance
35 22 programs.

35 23 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

35 24 1. There is appropriated from the general fund of the
35 25 state to the department of human services for the fiscal year
35 26 beginning July 1, 2011, and ending June 30, 2012, the following
35 27 amount, or so much thereof as is necessary, to be used for the
35 28 purpose designated:

35 29 For the state supplementary assistance program:

35 30 \$ 16,850,747

35 31 2. The department shall increase the personal needs
35 32 allowance for residents of residential care facilities by the
35 33 same percentage and at the same time as federal supplemental
35 34 security income and federal social security benefits are
35 35 increased due to a recognized increase in the cost of living.



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36 1 The department may adopt emergency rules to implement this
36 2 subsection.
36 3 3. If during the fiscal year beginning July 1, 2011,
36 4 the department projects that state supplementary assistance
36 5 expenditures for a calendar year will not meet the federal
36 6 pass-through requirement specified in Tit. XVI of the federal
36 7 Social Security Act, section 1618, as codified in 42 U.S.C.
36 8 { 1382g, the department may take actions including but not
36 9 limited to increasing the personal needs allowance for
36 10 residential care facility residents and making programmatic
36 11 adjustments or upward adjustments of the residential care
36 12 facility or in-home health-related care reimbursement rates
36 13 prescribed in this division of this Act to ensure that federal
36 14 requirements are met. In addition, the department may make
36 15 other programmatic and rate adjustments necessary to remain
36 16 within the amount appropriated in this section while ensuring
36 17 compliance with federal requirements. The department may adopt
36 18 emergency rules to implement the provisions of this subsection.
36 19 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.
36 20 1. There is appropriated from the general fund of the
36 21 state to the department of human services for the fiscal year
36 22 beginning July 1, 2011, and ending June 30, 2012, the following
36 23 amount, or so much thereof as is necessary, to be used for the
36 24 purpose designated:
36 25 For maintenance of the healthy and well kids in Iowa (hawk=i)
36 26 program pursuant to chapter 514I, including supplemental dental
36 27 services, for receipt of federal financial participation under
36 28 Tit. XXI of the federal Social Security Act, which creates the
36 29 children's health insurance program:
36 30 \$ 32,806,102
36 31 2. Of the funds appropriated in this section, \$128,950 is
36 32 allocated for continuation of the contract for advertising and
36 33 outreach with the department of public health.
36 34 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
36 35 from the general fund of the state to the department of human



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37 1 services for the fiscal year beginning July 1, 2011, and ending
37 2 June 30, 2012, the following amount, or so much thereof as is
37 3 necessary, to be used for the purpose designated:

37 4 For child care programs:

37 5 \$ 55,265,509

37 6 1. Of the funds appropriated in this section, \$53,896,082
37 7 shall be used for state child care assistance in accordance
37 8 with section 237A.13.

37 9 2. Nothing in this section shall be construed or is
37 10 intended as or shall imply a grant of entitlement for services
37 11 to persons who are eligible for assistance due to an income
37 12 level consistent with the waiting list requirements of section
37 13 237A.13. Any state obligation to provide services pursuant to
37 14 this section is limited to the extent of the funds appropriated
37 15 in this section.

37 16 3. Of the funds appropriated in this section, \$432,453 is
37 17 allocated for the statewide program for child care resource
37 18 and referral services under section 237A.26. A list of the
37 19 registered and licensed child care facilities operating in the
37 20 area served by a child care resource and referral service shall
37 21 be made available to the families receiving state child care
37 22 assistance in that area.

37 23 4. Of the funds appropriated in this section, \$936,974
37 24 is allocated for child care quality improvement initiatives
37 25 including but not limited to the voluntary quality rating
37 26 system in accordance with section 237A.30.

37 27 5. The department may use any of the funds appropriated
37 28 in this section as a match to obtain federal funds for use in
37 29 expanding child care assistance and related programs. For
37 30 the purpose of expenditures of state and federal child care
37 31 funding, funds shall be considered obligated at the time
37 32 expenditures are projected or are allocated to the department's
37 33 service areas. Projections shall be based on current and
37 34 projected caseload growth, current and projected provider
37 35 rates, staffing requirements for eligibility determination



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38 1 and management of program requirements including data systems
38 2 management, staffing requirements for administration of the
38 3 program, contractual and grant obligations and any transfers
38 4 to other state agencies, and obligations for decategorization
38 5 or innovation projects.
38 6 6. A portion of the state match for the federal child care
38 7 and development block grant shall be provided as necessary to
38 8 meet federal matching funds requirements through the state
38 9 general fund appropriation made for child development grants
38 10 and other programs for at-risk children in section 279.51.
38 11 7. If a uniform reduction ordered by the governor under
38 12 section 8.31 or other operation of law, transfer, or federal
38 13 funding reduction reduces the appropriation made in this
38 14 section for the fiscal year, the percentage reduction in the
38 15 amount paid out to or on behalf of the families participating
38 16 in the state child care assistance program shall be equal to or
38 17 less than the percentage reduction made for any other purpose
38 18 payable from the appropriation made in this section and the
38 19 federal funding relating to it. The percentage reduction to
38 20 the other allocations made in this section shall be the same as
38 21 the uniform reduction ordered by the governor or the percentage
38 22 change of the federal funding reduction, as applicable.
38 23 If there is an unanticipated increase in federal funding
38 24 provided for state child care assistance, the entire amount
38 25 of the increase shall be used for state child care assistance
38 26 payments. If the appropriations made for purposes of the
38 27 state child care assistance program for the fiscal year are
38 28 determined to be insufficient, it is the intent of the general
38 29 assembly to appropriate sufficient funding for the fiscal year
38 30 in order to avoid establishment of waiting list requirements.
38 31 8. Notwithstanding section 8.33, moneys appropriated in
38 32 this section or received from the federal appropriations made
38 33 for the purposes of this section that remain unencumbered or
38 34 unobligated at the close of the fiscal year shall not revert
38 35 to any fund but shall remain available for expenditure for the



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39 1 purposes designated until the close of the succeeding fiscal
39 2 year.

39 3 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
39 4 from the general fund of the state to the department of human
39 5 services for the fiscal year beginning July 1, 2011, and ending
39 6 June 30, 2012, the following amounts, or so much thereof as is
39 7 necessary, to be used for the purposes designated:

39 8 1. For operation of the Iowa juvenile home at Toledo and for
39 9 salaries, support, maintenance, and miscellaneous purposes, and
39 10 for not more than the following full-time equivalent positions:
39 11 \$ 8,258,251
39 12 FTEs 114.00

39 13 2. For operation of the state training school at Eldora and
39 14 for salaries, support, maintenance, and miscellaneous purposes,
39 15 and for not more than the following full-time equivalent
39 16 positions:

39 17 \$ 10,638,677
39 18 FTEs 164.30

39 19 Of the funds appropriated in this subsection, \$91,150 shall
39 20 be used for distribution to licensed classroom teachers at this
39 21 and other institutions under the control of the department of
39 22 human services based upon the average student yearly enrollment
39 23 at each institution as determined by the department.

39 24 3. A portion of the moneys appropriated in this section
39 25 shall be used by the state training school and by the Iowa
39 26 juvenile home for grants for adolescent pregnancy prevention
39 27 activities at the institutions in the fiscal year beginning
39 28 July 1, 2011.

39 29 4. For the fiscal year beginning July 1, 2011,
39 30 notwithstanding section 232.52, subsection 2, and section
39 31 907.3A, subsection 1, the court shall not order the placement
39 32 of a child at the Iowa juvenile home or the state training
39 33 school under section 232.52, if that placement is not in
39 34 accordance with the population guidelines for the respective
39 35 juvenile institution established pursuant to section 233A.1 or



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40 1 233B.1.
40 2 Sec. 16. CHILD AND FAMILY SERVICES.
40 3 1. There is appropriated from the general fund of the
40 4 state to the department of human services for the fiscal year
40 5 beginning July 1, 2011, and ending June 30, 2012, the following
40 6 amount, or so much thereof as is necessary, to be used for the
40 7 purpose designated:
40 8 For child and family services:
40 9 \$ 83,077,336
40 10 2. In order to address a reduction of \$5,200,000 from the
40 11 amount allocated under the appropriation made for the purposes
40 12 of this section in prior years for purposes of juvenile
40 13 delinquent graduated sanction services, up to \$5,200,000 of the
40 14 amount of federal temporary assistance for needy families block
40 15 grant funding appropriated in this division of this Act for
40 16 child and family services shall be made available for purposes
40 17 of juvenile delinquent graduated sanction services.
40 18 3. The department may transfer funds appropriated in this
40 19 section as necessary to pay the nonfederal costs of services
40 20 reimbursed under the medical assistance program, state child
40 21 care assistance program, or the family investment program which
40 22 are provided to children who would otherwise receive services
40 23 paid under the appropriation in this section. The department
40 24 may transfer funds appropriated in this section to the
40 25 appropriations made in this division of this Act for general
40 26 administration and for field operations for resources necessary
40 27 to implement and operate the services funded in this section.
40 28 4. a. Of the funds appropriated in this section, up to
40 29 \$30,169,129 is allocated as the statewide expenditure target
40 30 under section 232.143 for group foster care maintenance and
40 31 services. If the department projects that such expenditures
40 32 for the fiscal year will be less than the target amount
40 33 allocated in this lettered paragraph, the department may
40 34 reallocate the excess to provide additional funding for shelter
40 35 care or the child welfare emergency services addressed with the



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41 1 allocation for shelter care.

41 2 b. If at any time after September 30, 2011, annualization
41 3 of a service area's current expenditures indicates a service
41 4 area is at risk of exceeding its group foster care expenditure
41 5 target under section 232.143 by more than 5 percent, the
41 6 department and juvenile court services shall examine all
41 7 group foster care placements in that service area in order to
41 8 identify those which might be appropriate for termination.
41 9 In addition, any aftercare services believed to be needed
41 10 for the children whose placements may be terminated shall be
41 11 identified. The department and juvenile court services shall
41 12 initiate action to set dispositional review hearings for the
41 13 placements identified. In such a dispositional review hearing,
41 14 the juvenile court shall determine whether needed aftercare
41 15 services are available and whether termination of the placement
41 16 is in the best interest of the child and the community.

41 17 5. In accordance with the provisions of section 232.188,
41 18 the department shall continue the child welfare and juvenile
41 19 justice funding initiative during fiscal year 2011=2012. Of
41 20 the funds appropriated in this section, \$1,717,753 is allocated
41 21 specifically for expenditure for fiscal year 2011=2012 through
41 22 the decategorization service funding pools and governance
41 23 boards established pursuant to section 232.188.

41 24 6. A portion of the funds appropriated in this section
41 25 may be used for emergency family assistance to provide other
41 26 resources required for a family participating in a family
41 27 preservation or reunification project or successor project to
41 28 stay together or to be reunified.

41 29 7. Notwithstanding section 234.35 or any other provision
41 30 of law to the contrary, state funding for shelter care and
41 31 the child welfare emergency services contracting implemented
41 32 to provide for or prevent the need for shelter care shall be
41 33 limited to \$7,570,116. The department may execute contracts
41 34 that result from the department's request for proposal, bid
41 35 number ACFS=11=114, to provide the range of child welfare



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42 1 emergency services described in the request for proposals, and
42 2 any subsequent amendments to the request for proposals.
42 3 8. Federal funds received by the state during the fiscal
42 4 year beginning July 1, 2011, as the result of the expenditure
42 5 of state funds appropriated during a previous state fiscal
42 6 year for a service or activity funded under this section are
42 7 appropriated to the department to be used as additional funding
42 8 for services and purposes provided for under this section.
42 9 Notwithstanding section 8.33, moneys received in accordance
42 10 with this subsection that remain unencumbered or unobligated at
42 11 the close of the fiscal year shall not revert to any fund but
42 12 shall remain available for the purposes designated until the
42 13 close of the succeeding fiscal year.
42 14 9. Of the funds appropriated in this section, at least
42 15 \$3,696,285 shall be used for protective child care assistance.
42 16 10. a. Of the funds appropriated in this section, up to
42 17 \$2,062,488 is allocated for the payment of the expenses of
42 18 court=ordered services provided to juveniles who are under the
42 19 supervision of juvenile court services, which expenses are a
42 20 charge upon the state pursuant to section 232.141, subsection
42 21 4. Of the amount allocated in this lettered paragraph, up to
42 22 \$1,556,287 shall be made available to provide school=based
42 23 supervision of children adjudicated under chapter 232, of which
42 24 not more than \$15,000 may be used for the purpose of training.
42 25 A portion of the cost of each school=based liaison officer
42 26 shall be paid by the school district or other funding source as
42 27 approved by the chief juvenile court officer.
42 28 b. Of the funds appropriated in this section, up to \$748,985
42 29 is allocated for the payment of the expenses of court=ordered
42 30 services provided to children who are under the supervision
42 31 of the department, which expenses are a charge upon the state
42 32 pursuant to section 232.141, subsection 4.
42 33 c. Notwithstanding section 232.141 or any other provision
42 34 of law to the contrary, the amounts allocated in this
42 35 subsection shall be distributed to the judicial districts



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43 1 as determined by the state court administrator and to the
43 2 department's service areas as determined by the administrator
43 3 of the department's division of child and family services.
43 4 The state court administrator and the division administrator
43 5 shall make the determination of the distribution amounts on or
43 6 before June 15, 2011. However, if this subsection is enacted
43 7 on or after June 15, 2011, the determination shall be made not
43 8 later than 10 calendar days after the effective date of this
43 9 subsection.

43 10 d. Notwithstanding chapter 232 or any other provision of
43 11 law to the contrary, a district or juvenile court shall not
43 12 order any service which is a charge upon the state pursuant
43 13 to section 232.141 if there are insufficient court=ordered
43 14 services funds available in the district court or departmental
43 15 service area distribution amounts to pay for the service. The
43 16 chief juvenile court officer and the departmental service area
43 17 manager shall encourage use of the funds allocated in this
43 18 subsection such that there are sufficient funds to pay for
43 19 all court=related services during the entire year. The chief
43 20 juvenile court officers and departmental service area managers
43 21 shall attempt to anticipate potential surpluses and shortfalls
43 22 in the distribution amounts and shall cooperatively request the
43 23 state court administrator or division administrator to transfer
43 24 funds between the judicial districts' or departmental service
43 25 areas' distribution amounts as prudent.

43 26 e. Notwithstanding any provision of law to the contrary,
43 27 a district or juvenile court shall not order a county to pay
43 28 for any service provided to a juvenile pursuant to an order
43 29 entered under chapter 232 which is a charge upon the state
43 30 under section 232.141, subsection 4.

43 31 f. Of the funds allocated in this subsection, not more than
43 32 \$83,000 may be used by the judicial branch for administration
43 33 of the requirements under this subsection.

43 34 g. Of the funds allocated in this subsection, \$17,000
43 35 shall be used by the department of human services to support



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44 1 the interstate commission for juveniles in accordance with
44 2 the interstate compact for juveniles as provided in section
44 3 232.173.
44 4 11. Of the funds appropriated in this section, \$5,922,602 is
44 5 allocated for juvenile delinquent graduated sanctions services.
44 6 Any state funds saved as a result of efforts by juvenile court
44 7 services to earn federal Tit. IV=E match for juvenile court
44 8 services administration may be used for the juvenile delinquent
44 9 graduated sanctions services.
44 10 12. Of the funds appropriated in this section, \$988,285
44 11 shall be transferred to the department of public health to
44 12 be used for the child protection center grant program in
44 13 accordance with section 135.118.
44 14 13. If the department receives federal approval to
44 15 implement a waiver under Tit. IV=E of the federal Social
44 16 Security Act to enable providers to serve children who remain
44 17 in the children's families and communities, for purposes of
44 18 eligibility under the medical assistance program, children who
44 19 participate in the waiver shall be considered to be placed in
44 20 foster care.
44 21 14. Of the funds appropriated in this section, \$3,069,832 is
44 22 allocated for the preparation for adult living program pursuant
44 23 to section 234.46.
44 24 15. Of the funds appropriated in this section, \$520,150
44 25 shall be used for juvenile drug courts. The amount allocated
44 26 in this subsection shall be distributed as follows:
44 27 To the judicial branch for salaries to assist with the
44 28 operation of juvenile drug court programs operated in the
44 29 following jurisdictions:
44 30 a. Marshall county:
44 31 \$ 62,708
44 32 b. Woodbury county:
44 33 \$ 125,682
44 34 c. Polk county:
44 35 \$ 195,892



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45 1 d. The third judicial district:
45 2 \$ 67,934
45 3 e. The eighth judicial district:
45 4 \$ 67,934
45 5 16. Of the funds appropriated in this section, \$227,337
45 6 shall be used for the public purpose of providing a grant to
45 7 a nonprofit human services organization providing services to
45 8 individuals and families in multiple locations in southwest
45 9 Iowa and Nebraska for support of a project providing immediate,
45 10 sensitive support and forensic interviews, medical exams, needs
45 11 assessments, and referrals for victims of child abuse and their
45 12 nonoffending family members.
45 13 17. Of the funds appropriated in this section, \$125,590
45 14 is allocated for the elevate approach of providing a support
45 15 network to children placed in foster care.
45 16 18. Of the funds appropriated in this section, \$202,000 is
45 17 allocated for use pursuant to section 235A.1 for continuation
45 18 of the initiative to address child sexual abuse implemented
45 19 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
45 20 21.
45 21 19. Of the funds appropriated in this section, \$630,240 is
45 22 allocated for the community partnership for child protection
45 23 sites.
45 24 20. Of the funds appropriated in this section, \$371,250
45 25 is allocated for the department's minority youth and family
45 26 projects under the redesign of the child welfare system.
45 27 21. Of the funds appropriated in this section, \$1,200,495
45 28 is allocated for funding of the state match for the federal
45 29 substance abuse and mental health services administration
45 30 (SAMHSA) system of care grant.
45 31 22. Of the funds appropriated in this section, at least
45 32 \$147,158 shall be used for the child welfare training academy.
45 33 23. Of the funds appropriated in this section, \$25,000
45 34 shall be used for the public purpose of providing a grant to
45 35 a child welfare services provider headquartered in a county



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46 1 with a population between 205,000 and 215,000 in the latest
46 2 certified federal census that provides multiple services
46 3 including but not limited to a psychiatric medical institution
46 4 for children, shelter, residential treatment, after school
46 5 programs, school-based programming, and an Asperger's syndrome
46 6 program, to be used for support services for children with
46 7 autism spectrum disorder and their families.

46 8 24. Of the funds appropriated in this section, \$257,173
46 9 shall be used for continuation of the central Iowa system of
46 10 care program grant through June 30, 2012.

46 11 Sec. 17. ADOPTION SUBSIDY.

46 12 1. There is appropriated from the general fund of the
46 13 state to the department of human services for the fiscal year
46 14 beginning July 1, 2011, and ending June 30, 2012, the following
46 15 amount, or so much thereof as is necessary, to be used for the
46 16 purpose designated:

46 17 For adoption subsidy payments and services:

46 18 \$ 34,466,591

46 19 2. The department may transfer funds appropriated in
46 20 this section to the appropriation made in this division of
46 21 this Act for general administration for costs paid from the
46 22 appropriation relating to adoption subsidy.

46 23 3. Federal funds received by the state during the
46 24 fiscal year beginning July 1, 2011, as the result of the
46 25 expenditure of state funds during a previous state fiscal
46 26 year for a service or activity funded under this section are
46 27 appropriated to the department to be used as additional funding
46 28 for the services and activities funded under this section.
46 29 Notwithstanding section 8.33, moneys received in accordance
46 30 with this subsection that remain unencumbered or unobligated
46 31 at the close of the fiscal year shall not revert to any fund
46 32 but shall remain available for expenditure for the purposes
46 33 designated until the close of the succeeding fiscal year.

46 34 Sec. 18. JUVENILE DETENTION HOME FUND.

46 35 1. Moneys deposited in the juvenile detention home fund



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47 1 created in section 232.142 during the fiscal year beginning
47 2 July 1, 2011, and ending June 30, 2012, are appropriated to
47 3 the department of human services for the fiscal year beginning
47 4 July 1, 2011, and ending June 30, 2012, for distribution of an
47 5 amount equal to a percentage of the costs of the establishment,
47 6 improvement, operation, and maintenance of county or
47 7 multicounty juvenile detention homes in the fiscal year
47 8 beginning July 1, 2010. Moneys appropriated for distribution
47 9 in accordance with this section shall be allocated among
47 10 eligible detention homes, prorated on the basis of an eligible
47 11 detention home's proportion of the costs of all eligible
47 12 detention homes in the fiscal year beginning July 1, 2010.
47 13 The percentage figure shall be determined by the department
47 14 based on the amount available for distribution for the fund.
47 15 Notwithstanding section 232.142, subsection 3, the financial
47 16 aid payable by the state under that provision for the fiscal
47 17 year beginning July 1, 2011, shall be limited to the amount
47 18 appropriated for the purposes of this section.
47 19 2. Representatives of chief juvenile court officers,
47 20 the department of human rights, and the department of human
47 21 services shall work with juvenile detention centers and other
47 22 stakeholders to review the current methodology for distribution
47 23 of moneys from the juvenile detention home fund, consider
47 24 alternative distribution methodologies, and report findings
47 25 and recommendations to the persons designated by this division
47 26 of this Act for the submission of reports by December 15,
47 27 2011. It is the intent of the general assembly to shift
47 28 responsibility for administering the fund from the department
47 29 of human services to the division of criminal and juvenile
47 30 justice planning of the department of human rights, effective
47 31 with the fiscal year beginning July 1, 2012.
47 32 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.
47 33 1. There is appropriated from the general fund of the
47 34 state to the department of human services for the fiscal year
47 35 beginning July 1, 2011, and ending June 30, 2012, the following



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48 1 amount, or so much thereof as is necessary, to be used for the
48 2 purpose designated:
48 3 For the family support subsidy program subject to the
48 4 enrollment restrictions in section 225C.37, subsection 3:
48 5 \$ 1,167,998
48 6 2. The department shall use at least \$385,500 of the moneys
48 7 appropriated in this section for the family support center
48 8 component of the comprehensive family support program under
48 9 section 225C.47. Not more than \$25,000 of the amount allocated
48 10 in this subsection shall be used for administrative costs.
48 11 3. If at any time during the fiscal year, the amount of
48 12 funding available for the family support subsidy program
48 13 is reduced from the amount initially used to establish the
48 14 figure for the number of family members for whom a subsidy
48 15 is to be provided at any one time during the fiscal year,
48 16 notwithstanding section 225C.38, subsection 2, the department
48 17 shall revise the figure as necessary to conform to the amount
48 18 of funding available.
48 19 Sec. 20. CONNER DECREE. There is appropriated from the
48 20 general fund of the state to the department of human services
48 21 for the fiscal year beginning July 1, 2011, and ending June 30,
48 22 2012, the following amount, or so much thereof as is necessary,
48 23 to be used for the purpose designated:
48 24 For building community capacity through the coordination
48 25 and provision of training opportunities in accordance with the
48 26 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
48 27 Iowa, July 14, 1994):
48 28 \$ 33,622
48 29 Sec. 21. MENTAL HEALTH INSTITUTES.
48 30 There is appropriated from the general fund of the state to
48 31 the department of human services for the fiscal year beginning
48 32 July 1, 2011, and ending June 30, 2012, the following amounts,
48 33 or so much thereof as is necessary, to be used for the purposes
48 34 designated:
48 35 1. For the state mental health institute at Cherokee for



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49 1 salaries, support, maintenance, and miscellaneous purposes, and
49 2 for not more than the following full=time equivalent positions:
49 3 \$ 5,877,308
49 4 FTEs 168.50
49 5 2. For the state mental health institute at Clarinda for
49 6 salaries, support, maintenance, and miscellaneous purposes, and
49 7 for not more than the following full=time equivalent positions:
49 8 \$ 6,411,734
49 9 FTEs 86.10
49 10 3. For the state mental health institute at Independence for
49 11 salaries, support, maintenance, and miscellaneous purposes, and
49 12 for not more than the following full=time equivalent positions:
49 13 \$ 10,275,685
49 14 FTEs 233.00
49 15 4. For the state mental health institute at Mount Pleasant
49 16 for salaries, support, maintenance, and miscellaneous purposes,
49 17 and for not more than the following full=time equivalent
49 18 positions:
49 19 \$ 944,323
49 20 FTEs 91.72
49 21 Sec. 22. STATE RESOURCE CENTERS.
49 22 1. There is appropriated from the general fund of the
49 23 state to the department of human services for the fiscal year
49 24 beginning July 1, 2011, and ending June 30, 2012, the following
49 25 amounts, or so much thereof as is necessary, to be used for the
49 26 purposes designated:
49 27 a. For the state resource center at Glenwood for salaries,
49 28 support, maintenance, and miscellaneous purposes:
49 29 \$ 18,607,801
49 30 b. For the state resource center at Woodward for salaries,
49 31 support, maintenance, and miscellaneous purposes:
49 32 \$ 12,885,658
49 33 2. The department may continue to bill for state resource
49 34 center services utilizing a scope of services approach used for
49 35 private providers of ICFMR services, in a manner which does not



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50 1 shift costs between the medical assistance program, counties,
50 2 or other sources of funding for the state resource centers.

50 3 3. The state resource centers may expand the time=limited
50 4 assessment and respite services during the fiscal year.

50 5 4. If the department's administration and the department
50 6 of management concur with a finding by a state resource
50 7 center's superintendent that projected revenues can reasonably
50 8 be expected to pay the salary and support costs for a new
50 9 employee position, or that such costs for adding a particular
50 10 number of new positions for the fiscal year would be less
50 11 than the overtime costs if new positions would not be added,
50 12 the superintendent may add the new position or positions. If
50 13 the vacant positions available to a resource center do not
50 14 include the position classification desired to be filled, the
50 15 state resource center's superintendent may reclassify any
50 16 vacant position as necessary to fill the desired position. The
50 17 superintendents of the state resource centers may, by mutual
50 18 agreement, pool vacant positions and position classifications
50 19 during the course of the fiscal year in order to assist one
50 20 another in filling necessary positions.

50 21 5. If existing capacity limitations are reached in
50 22 operating units, a waiting list is in effect for a service or
50 23 a special need for which a payment source or other funding
50 24 is available for the service or to address the special need,
50 25 and facilities for the service or to address the special need
50 26 can be provided within the available payment source or other
50 27 funding, the superintendent of a state resource center may
50 28 authorize opening not more than two units or other facilities
50 29 and begin implementing the service or addressing the special
50 30 need during fiscal year 2011=2012.

50 31 Sec. 23. MI/MR/DD STATE CASES.

50 32 1. There is appropriated from the general fund of the
50 33 state to the department of human services for the fiscal year
50 34 beginning July 1, 2011, and ending June 30, 2012, the following
50 35 amount, or so much thereof as is necessary, to be used for the



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51 1 purpose designated:

51 2 For distribution to counties for state case services
51 3 for persons with mental illness, mental retardation, and
51 4 developmental disabilities in accordance with section 331.440:
51 5 \$ 12,169,482

51 6 2. For the fiscal year beginning July 1, 2011, and ending
51 7 June 30, 2012, \$200,000 is allocated for state case services
51 8 from the amounts appropriated from the fund created in section
51 9 8.41 to the department of human services from the funds
51 10 received from the federal government under 42 U.S.C. ch. 6A,
51 11 subch. XVII, relating to the community mental health center
51 12 block grant, for the federal fiscal years beginning October
51 13 1, 2009, and ending September 30, 2010, beginning October 1,
51 14 2010, and ending September 30, 2011, and beginning October 1,
51 15 2011, and ending September 30, 2012. The allocation made in
51 16 this subsection shall be made prior to any other distribution
51 17 allocation of the appropriated federal funds.

51 18 3. Notwithstanding section 8.33, moneys appropriated in
51 19 this section that remain unencumbered or unobligated at the
51 20 close of the fiscal year shall not revert but shall remain
51 21 available for expenditure for the purposes designated until the
51 22 close of the succeeding fiscal year.

51 23 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
51 24 ==== COMMUNITY SERVICES FUND. There is appropriated from
51 25 the general fund of the state to the mental health and
51 26 developmental disabilities community services fund created in
51 27 section 225C.7 for the fiscal year beginning July 1, 2011, and
51 28 ending June 30, 2012, the following amount, or so much thereof
51 29 as is necessary, to be used for the purpose designated:

51 30 For mental health and developmental disabilities community
51 31 services in accordance with this division of this Act:
51 32 \$ 14,211,100

51 33 1. Of the funds appropriated in this section, \$14,187,556
51 34 shall be allocated to counties for funding of community-based
51 35 mental health and developmental disabilities services. The



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52 1 moneys shall be allocated to a county as follows:
52 2 a. Fifty percent based upon the county's proportion of the
52 3 state's population of persons with an annual income which is
52 4 equal to or less than the poverty guideline established by the
52 5 federal office of management and budget.
52 6 b. Fifty percent based upon the county's proportion of the
52 7 state's general population.
52 8 2. a. A county shall utilize the funding the county
52 9 receives pursuant to subsection 1 for services provided to
52 10 persons with a disability, as defined in section 225C.2.
52 11 However, no more than 50 percent of the funding shall be used
52 12 for services provided to any one of the service populations.
52 13 b. A county shall use at least 50 percent of the funding the
52 14 county receives under subsection 1 for contemporary services
52 15 provided to persons with a disability, as described in rules
52 16 adopted by the department.
52 17 3. Of the funds appropriated in this section, \$23,544
52 18 shall be used to support the Iowa compass program providing
52 19 computerized information and referral services for Iowans with
52 20 disabilities and their families.
52 21 4. a. Funding appropriated for purposes of the federal
52 22 social services block grant is allocated for distribution
52 23 to counties for local purchase of services for persons with
52 24 mental illness or mental retardation or other developmental
52 25 disability.
52 26 b. The funds allocated in this subsection shall be expended
52 27 by counties in accordance with the county's county management
52 28 plan approved by the board of supervisors. A county without
52 29 an approved county management plan shall not receive allocated
52 30 funds until the county's management plan is approved.
52 31 c. The funds provided by this subsection shall be allocated
52 32 to each county as follows:
52 33 (1) Fifty percent based upon the county's proportion of the
52 34 state's population of persons with an annual income which is
52 35 equal to or less than the poverty guideline established by the



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53 1 federal office of management and budget.

53 2 (2) Fifty percent based upon the amount provided to the
53 3 county for local purchase of services in the preceding fiscal
53 4 year.

53 5 5. A county is eligible for funds under this section if the
53 6 county qualifies for a state payment as described in section
53 7 331.439.

53 8 6. The latest certified census issued by the United States
53 9 bureau of the census shall be applied for the population
53 10 factors utilized in this section.

53 11 Sec. 25. SEXUALLY VIOLENT PREDATORS.

53 12 1. There is appropriated from the general fund of the
53 13 state to the department of human services for the fiscal year
53 14 beginning July 1, 2011, and ending June 30, 2012, the following
53 15 amount, or so much thereof as is necessary, to be used for the
53 16 purpose designated:

53 17 For costs associated with the commitment and treatment of
53 18 sexually violent predators in the unit located at the state
53 19 mental health institute at Cherokee, including costs of legal
53 20 services and other associated costs, including salaries,
53 21 support, maintenance, and miscellaneous purposes, and for not
53 22 more than the following full-time equivalent positions:

53 23	\$ 7,550,727
53 24	FTEs 89.50

53 25 2. Unless specifically prohibited by law, if the amount
53 26 charged provides for recoupment of at least the entire amount
53 27 of direct and indirect costs, the department of human services
53 28 may contract with other states to provide care and treatment
53 29 of persons placed by the other states at the unit for sexually
53 30 violent predators at Cherokee. The moneys received under
53 31 such a contract shall be considered to be repayment receipts
53 32 and used for the purposes of the appropriation made in this
53 33 section.

53 34 Sec. 26. FIELD OPERATIONS. There is appropriated from the
53 35 general fund of the state to the department of human services



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54 1 for the fiscal year beginning July 1, 2011, and ending June 30,
54 2 2012, the following amount, or so much thereof as is necessary,
54 3 to be used for the purposes designated:

54 4 For field operations, including salaries, support,
54 5 maintenance, and miscellaneous purposes, and for not more than
54 6 the following full-time equivalent positions:

54 7 \$ 54,789,921
54 8 FTEs 1,781.00

54 9 Priority in filling full-time equivalent positions shall be
54 10 given to those positions related to child protection services
54 11 and eligibility determination for low-income families.

54 12 Notwithstanding section 8.33, moneys appropriated in this
54 13 section that remain unencumbered or unobligated at the close of
54 14 the fiscal year shall not revert but shall remain available for
54 15 expenditure for the purposes designated until the close of the
54 16 succeeding fiscal year.

54 17 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
54 18 from the general fund of the state to the department of human
54 19 services for the fiscal year beginning July 1, 2011, and ending
54 20 June 30, 2012, the following amount, or so much thereof as is
54 21 necessary, to be used for the purpose designated:

54 22 For general administration, including salaries, support,
54 23 maintenance, and miscellaneous purposes, and for not more than
54 24 the following full-time equivalent positions:

54 25 \$ 14,596,745
54 26 FTEs 290.00

54 27 1. Of the funds appropriated in this section, \$38,543
54 28 allocated for the prevention of disabilities policy council
54 29 established in section 225B.3.

54 30 2. The department shall report at least monthly to the
54 31 legislative services agency concerning the department's
54 32 operational and program expenditures.

54 33 3. Of the funds appropriated in this section, \$132,300 shall
54 34 be used to contract with a statewide association representing
54 35 community providers of mental health, mental retardation and



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55 1 brain injury services programs to provide technical assistance,
55 2 support, and consultation to providers of habilitation
55 3 services and home and community-based waiver services for
55 4 adults with disabilities under the medical assistance program.
55 5 Notwithstanding section 8.47 or any other provision of law to
55 6 the contrary, the department may utilize a sole source approach
55 7 to contract with the association.

55 8 4. Of the funds appropriated in this section, \$176,400
55 9 shall be used to contract with an appropriate entity to
55 10 expand the provision of nationally accredited and recognized
55 11 internet-based training to include mental health and disability
55 12 services providers. Notwithstanding section 8.47 or any other
55 13 provision of law to the contrary, the department may utilize a
55 14 sole source approach to enter into such contract.

55 15 5. Of the funds appropriated in this section, \$500,000
55 16 shall be used for implementation of child protection system
55 17 improvements addressed in 2011 Iowa Acts, House File 562, as
55 18 enacted.

55 19 6. Notwithstanding section 8.33, moneys appropriated in
55 20 this section that remain unencumbered or unobligated at the
55 21 close of the fiscal year shall not revert but shall remain
55 22 available for expenditure for the purposes designated until the
55 23 close of the succeeding fiscal year.

55 24 Sec. 28. VOLUNTEERS. There is appropriated from the general
55 25 fund of the state to the department of human services for the
55 26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
55 27 the following amount, or so much thereof as is necessary, to be
55 28 used for the purpose designated:

55 29 For development and coordination of volunteer services:
55 30 \$ 84,660

55 31 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
55 32 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
55 33 DEPARTMENT OF HUMAN SERVICES.

55 34 1. a. (1) For the fiscal year beginning July 1, 2011,
55 35 the total state funding amount for the nursing facility budget



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56 1 shall not exceed \$223,202,551.

56 2 (2) For the fiscal year beginning July 1, 2011, the
56 3 department shall rebase case=mix nursing facility rates
56 4 effective July 1, 2011. However, total nursing facility budget
56 5 expenditures, including both case=mix and noncase=mix shall
56 6 not exceed the amount specified in subparagraph (1). When
56 7 calculating case=mix per diem cost and the patient=day=weighted
56 8 medians used in rate=setting for nursing facilities effective
56 9 July 1, 2011, the inflation factor applied from the midpoint
56 10 of the cost report period to the first day of the state fiscal
56 11 year rate period shall be adjusted to maintain state funding
56 12 within the amount specified in subparagraph (1).

56 13 (3) The department, in cooperation with nursing facility
56 14 representatives, shall review projections for state funding
56 15 expenditures for reimbursement of nursing facilities on a
56 16 quarterly basis and the department shall determine if an
56 17 adjustment to the medical assistance reimbursement rate is
56 18 necessary in order to provide reimbursement within the state
56 19 funding amount for the fiscal year. Notwithstanding 2001
56 20 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
56 21 "c", and subsection 3, paragraph "a", subparagraph (2),
56 22 if the state funding expenditures for the nursing facility
56 23 budget for the fiscal year is projected to exceed the amount
56 24 specified in subparagraph (1), the department shall adjust
56 25 the reimbursement for nursing facilities reimbursed under the
56 26 case=mix reimbursement system to maintain expenditures of the
56 27 nursing facility budget within the specified amount for the
56 28 fiscal year.

56 29 (4) For the fiscal year beginning July 1, 2011, special
56 30 population nursing facilities shall be reimbursed in accordance
56 31 with the methodology in effect on June 30, 2011.

56 32 b. For the fiscal year beginning July 1, 2011, the
56 33 department shall reimburse pharmacy dispensing fees using a
56 34 single rate of \$4.34 per prescription or the pharmacy's usual
56 35 and customary fee, whichever is lower. However, the department



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57 1 shall adjust the dispensing fee specified in this paragraph
57 2 to distribute an additional \$2,400,000 in reimbursements for
57 3 pharmacy dispensing fees under this paragraph for the fiscal
57 4 year.

57 5 c. (1) For the fiscal year beginning July 1, 2011,
57 6 reimbursement rates for outpatient hospital services shall be
57 7 rebased effective January 1, 2012.

57 8 (2) For the fiscal year beginning July 1, 2011,
57 9 reimbursement rates for inpatient hospital services shall be
57 10 rebased effective October 1, 2011.

57 11 (3) The total amount of increased funding available for
57 12 reimbursement attributable to rebasing under this paragraph
57 13 for the fiscal year beginning July 1, 2011, shall not exceed
57 14 \$4,500,000.

57 15 (4) For the fiscal year beginning July 1, 2011, the graduate
57 16 medical education and disproportionate share hospital fund
57 17 shall remain at the amount in effect on June 30, 2011, except
57 18 that the portion of the fund attributable to graduate medical
57 19 education shall be reduced in an amount that reflects the
57 20 elimination of graduate medical education payments made to
57 21 out-of-state hospitals.

57 22 (5) In order to ensure the efficient use of limited state
57 23 funds in procuring health care services for low-income Iowans,
57 24 funds appropriated in this Act for hospital services shall
57 25 not be used for activities which would be excluded from a
57 26 determination of reasonable costs under the federal Medicare
57 27 program pursuant to 42 U.S.C. { 1395X(v) (1) (N)}.

57 28 d. For the fiscal year beginning July 1, 2011, reimbursement
57 29 rates for rural health clinics, hospices, and acute mental
57 30 hospitals shall be increased in accordance with increases under
57 31 the federal Medicare program or as supported by their Medicare
57 32 audited costs.

57 33 e. For the fiscal year beginning July 1, 2011, independent
57 34 laboratories and rehabilitation agencies shall be reimbursed
57 35 using the same methodology in effect on June 30, 2011.



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58 1 f. For the fiscal year beginning July 1, 2011, reimbursement
58 2 rates for home health agencies shall remain at the rates in
58 3 effect on June 30, 2011, not to exceed a home health agency's
58 4 actual allowable cost.

58 5 g. For the fiscal year beginning July 1, 2011, federally
58 6 qualified health centers shall receive cost-based reimbursement
58 7 for 100 percent of the reasonable costs for the provision of
58 8 services to recipients of medical assistance.

58 9 h. For the fiscal year beginning July 1, 2011, the
58 10 reimbursement rates for dental services shall remain at the
58 11 rates in effect on June 30, 2011.

58 12 i. (1) For the fiscal year beginning July 1, 2011,
58 13 state-owned psychiatric medical institutions for children shall
58 14 receive cost-based reimbursement for 100 percent of the actual
58 15 and allowable costs for the provision of services to recipients
58 16 of medical assistance.

58 17 (2) For the nonstate-owned psychiatric medical institutions
58 18 for children, reimbursement rates shall remain at the rates
58 19 in effect on June 30, 2011. The department, in consultation
58 20 with representatives of the nonstate-owned psychiatric medical
58 21 institutions for children, shall develop a reimbursement
58 22 methodology to include all ancillary medical services costs
58 23 and any other changes required for federal compliance, to be
58 24 implemented on July 1, 2012. To the extent possible, the
58 25 reimbursement methodology shall be developed in a manner so as
58 26 to be budget neutral to the institutions and cost effective for
58 27 the state.

58 28 j. For the fiscal year beginning July 1, 2011, unless
58 29 otherwise specified in this Act, all noninstitutional medical
58 30 assistance provider reimbursement rates shall remain at the
58 31 rates in effect on June 30, 2011, except for area education
58 32 agencies, local education agencies, infant and toddler services
58 33 providers, and those providers whose rates are required to be
58 34 determined pursuant to section 249A.20.

58 35 k. Notwithstanding any provision to the contrary, for the



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59 1 fiscal year beginning July 1, 2011, the reimbursement rate for
59 2 anesthesiologists shall remain at the rate in effect on June
59 3 30, 2011.

59 4 1. Notwithstanding section 249A.20, for the fiscal year
59 5 beginning July 1, 2011, the average reimbursement rate for
59 6 health care providers eligible for use of the federal Medicare
59 7 resource-based relative value scale reimbursement methodology
59 8 under that section shall remain at the rate in effect on June
59 9 30, 2011; however, this rate shall not exceed the maximum level
59 10 authorized by the federal government.

59 11 m. For the fiscal year beginning July 1, 2011, the
59 12 reimbursement rate for residential care facilities shall not
59 13 be less than the minimum payment level as established by the
59 14 federal government to meet the federally mandated maintenance
59 15 of effort requirement. The flat reimbursement rate for
59 16 facilities electing not to file annual cost reports shall not
59 17 be less than the minimum payment level as established by the
59 18 federal government to meet the federally mandated maintenance
59 19 of effort requirement.

59 20 n. For the fiscal year beginning July 1, 2011, inpatient
59 21 mental health services provided at hospitals shall be rebased
59 22 effective October 1, 2011, subject to Medicaid program upper
59 23 payment limit rules; community mental health centers and
59 24 providers of mental health services to county residents
59 25 pursuant to a waiver approved under section 225C.7, subsection
59 26 3, shall be reimbursed at 100 percent of the reasonable
59 27 costs for the provision of services to recipients of medical
59 28 assistance; and psychiatrists shall be reimbursed at the
59 29 medical assistance program fee for service rate.

59 30 o. For the fiscal year beginning July 1, 2011, the
59 31 reimbursement rate for consumer-directed attendant care shall
59 32 remain at the rates in effect on June 30, 2011.

59 33 p. For the fiscal year beginning July 1, 2011, the
59 34 reimbursement rate for providers of family planning services
59 35 that are eligible to receive a 90 percent federal match shall



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60 1 remain at the rates in effect on June 30, 2011.
60 2 q. For the fiscal year beginning July 1, 2011, the
60 3 department shall adjust the rates in effect on June 30,
60 4 2011, for providers of home and community-based services
60 5 waiver services to distribute an additional \$1,500,000 in
60 6 reimbursements to such providers for the fiscal year.
60 7 2. For the fiscal year beginning July 1, 2011, the
60 8 reimbursement rate for providers reimbursed under the
60 9 in-home-related care program shall not be less than the minimum
60 10 payment level as established by the federal government to meet
60 11 the federally mandated maintenance of effort requirement.
60 12 3. Unless otherwise directed in this section, when the
60 13 department's reimbursement methodology for any provider
60 14 reimbursed in accordance with this section includes an
60 15 inflation factor, this factor shall not exceed the amount
60 16 by which the consumer price index for all urban consumers
60 17 increased during the calendar year ending December 31, 2002.
60 18 4. For the fiscal year beginning July 1, 2011,
60 19 notwithstanding section 234.38, the foster family basic daily
60 20 maintenance rate and the maximum adoption subsidy rate for
60 21 children ages 0 through 5 years shall be \$15.74, the rate for
60 22 children ages 6 through 11 years shall be \$16.37, the rate for
60 23 children ages 12 through 15 years shall be \$17.92, and the
60 24 rate for children and young adults ages 16 and older shall be
60 25 \$18.16. The maximum supervised apartment living foster care
60 26 reimbursement rate shall be \$25.00 per day. For youth ages
60 27 18 to 21 who have exited foster care, the maximum preparation
60 28 for adult living program maintenance rate shall be \$574.00 per
60 29 month. The maximum payment for adoption subsidy nonrecurring
60 30 expenses shall be limited to \$500 and the disallowance of
60 31 additional amounts for court costs and other related legal
60 32 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
60 33 section 408 shall be continued.
60 34 5. For the fiscal year beginning July 1, 2011, the maximum
60 35 reimbursement rates under the supervised apartment living



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61 1 program and for social services providers under contract
61 2 shall remain at the rates in effect on June 30, 2011, or the
61 3 provider's actual and allowable cost plus inflation for each
61 4 service, whichever is less. However, if a new service or
61 5 service provider is added after June 30, 2011, the initial
61 6 reimbursement rate for the service or provider shall be
61 7 based upon actual and allowable costs. Providers may also
61 8 be eligible for an additional amount as specified under the
61 9 department's request for proposal, bid number ACFS=11=115.
61 10 6. For the fiscal year beginning July 1, 2011, the
61 11 reimbursement rates for family=centered service providers,
61 12 family foster care service providers, group foster care service
61 13 providers, and the resource family recruitment and retention
61 14 contractor shall remain at the rates in effect on June 30,
61 15 2011.
61 16 7. The group foster care reimbursement rates paid for
61 17 placement of children out of state shall be calculated
61 18 according to the same rate=setting principles as those used for
61 19 in=state providers, unless the director of human services or
61 20 the director's designee determines that appropriate care cannot
61 21 be provided within the state. The payment of the daily rate
61 22 shall be based on the number of days in the calendar month in
61 23 which service is provided.
61 24 8. a. For the fiscal year beginning July 1, 2011, the
61 25 reimbursement rate paid for shelter care and the child welfare
61 26 emergency services implemented to provide or prevent the need
61 27 for shelter care shall be established in a contract based on
61 28 the requirements of the department's request for proposal, bid
61 29 number ACFS=11=114.
61 30 b. For the fiscal year beginning July 1, 2011, the combined
61 31 service and maintenance components of the reimbursement rate
61 32 paid for shelter care services shall be based on the financial
61 33 and statistical report submitted to the department. The
61 34 maximum reimbursement rate shall be \$92.36 per day. The
61 35 department shall reimburse a shelter care provider at the



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62 1 provider's actual and allowable unit cost, plus inflation, not
62 2 to exceed the maximum reimbursement rate.
62 3 c. Notwithstanding section 232.141, subsection 8, for the
62 4 fiscal year beginning July 1, 2011, the amount of the statewide
62 5 average of the actual and allowable rates for reimbursement of
62 6 juvenile shelter care homes that is utilized for the limitation
62 7 on recovery of unpaid costs shall remain at the amount in
62 8 effect for this purpose in the fiscal year beginning July 1,
62 9 2010.
62 10 9. For the fiscal year beginning July 1, 2011, the
62 11 department shall calculate reimbursement rates for intermediate
62 12 care facilities for persons with mental retardation at the
62 13 80th percentile. Beginning July 1, 2011, the rate calculation
62 14 methodology shall utilize the consumer price index inflation
62 15 factor applicable to the fiscal year beginning July 1, 2011.
62 16 10. For the fiscal year beginning July 1, 2011, for child
62 17 care providers reimbursed under the state child care assistance
62 18 program, the department shall set provider reimbursement
62 19 rates based on the rate reimbursement survey completed in
62 20 December 2004. Effective July 1, 2011, the child care provider
62 21 reimbursement rates shall remain at the rates in effect on June
62 22 30, 2011. The department shall set rates in a manner so as
62 23 to provide incentives for a nonregistered provider to become
62 24 registered by applying the increase only to registered and
62 25 licensed providers.
62 26 11. The department may adopt emergency rules to implement
62 27 this section.
62 28 Sec. 30. EMERGENCY RULES.
62 29 1. If specifically authorized by a provision of this
62 30 division of this Act, the department of human services or
62 31 the mental health, and disability services commission may
62 32 adopt administrative rules under section 17A.4, subsection
62 33 3, and section 17A.5, subsection 2, paragraph "b", to
62 34 implement the provisions and the rules shall become effective
62 35 immediately upon filing or on a later effective date specified



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63 1 in the rules, unless the effective date is delayed by the
63 2 administrative rules review committee. Any rules adopted in
63 3 accordance with this section shall not take effect before
63 4 the rules are reviewed by the administrative rules review
63 5 committee. The delay authority provided to the administrative
63 6 rules review committee under section 17A.4, subsection 7, and
63 7 section 17A.8, subsection 9, shall be applicable to a delay
63 8 imposed under this section, notwithstanding a provision in
63 9 those sections making them inapplicable to section 17A.5,
63 10 subsection 2, paragraph "b". Any rules adopted in accordance
63 11 with the provisions of this section shall also be published as
63 12 notice of intended action as provided in section 17A.4.
63 13 2. If during the fiscal year beginning July 1, 2011, the
63 14 department of human services is adopting rules in accordance
63 15 with this section or as otherwise directed or authorized by
63 16 state law, and the rules will result in an expenditure increase
63 17 beyond the amount anticipated in the budget process or if the
63 18 expenditure was not addressed in the budget process for the
63 19 fiscal year, the department shall notify the persons designated
63 20 by this division of this Act for submission of reports,
63 21 the chairpersons and ranking members of the committees on
63 22 appropriations, and the department of management concerning the
63 23 rules and the expenditure increase. The notification shall be
63 24 provided at least 30 calendar days prior to the date notice of
63 25 the rules is submitted to the administrative rules coordinator
63 26 and the administrative code editor.
63 27 Sec. 31. CIVIL MONETARY PENALTIES ==== DIRECT CARE WORKER
63 28 INITIATIVES PROPOSAL. The department of human services shall
63 29 develop a proposal, in collaboration with the department of
63 30 public health, requesting federal approval for the use of
63 31 a portion of the funds received by the department of human
63 32 services as civil monetary penalties from nursing facilities
63 33 to support direct care worker initiatives that enhance the
63 34 quality of care in nursing facilities. The proposal shall
63 35 request use of the funds for direct care worker initiatives



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64 1 based on recommendations of the direct care worker task force
64 2 established pursuant to 2005 Iowa Acts, chapter 88, as included
64 3 in the report submitted to the governor and the general
64 4 assembly in December 2006. Upon completion of the proposal,
64 5 the department of human services shall submit the proposal to
64 6 the centers for Medicare and Medicaid services of the United
64 7 States department of health and human services for approval.
64 8 The department of human services shall notify the persons
64 9 designated in this division of this Act for submission of
64 10 reports upon receipt of approval of the proposal.

64 11 Sec. 32. FEDERAL GRANTS REPORTING. During the fiscal
64 12 year beginning July 1, 2011, the departments and agencies
64 13 receiving an appropriation in this Act from the general fund
64 14 of the state shall report to the persons designated by this
64 15 Act for submission of reports and the department of management
64 16 within 60 calendar days of applying for or renewing a federal
64 17 grant with a value over \$1,000. The report shall list the
64 18 federal funding source and address the potential need for the
64 19 commitment of state funding in order to match or continue the
64 20 funding provided by the federal grant in the present or the
64 21 future.

64 22 Sec. 33. REPORTS. Any reports or information required to be
64 23 compiled and submitted under this Act shall be submitted to the
64 24 chairpersons and ranking members of the joint appropriations
64 25 subcommittee on health and human services, the legislative
64 26 services agency, and the legislative caucus staffs on or
64 27 before the dates specified for submission of the reports or
64 28 information.

64 29 Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
64 30 APPLICABILITY. The following provisions of this division of
64 31 this Act, being deemed of immediate importance, take effect
64 32 upon enactment and if approved by the governor on or after July
64 33 1, 2011, apply retroactively to June 30, 2011:

64 34 The provision under the appropriation for child and family
64 35 services, relating to requirements of section 232.143 for



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65 1 representatives of the department of human services and
65 2 juvenile court services to establish a plan for continuing
65 3 group foster care expenditures for fiscal year 2011=2012.
65 4 DIVISION V
65 5 PHARMACEUTICAL SETTLEMENT ACCOUNT,
65 6 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,
65 7 HEALTH CARE
65 8 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
65 9 QUALITY ASSURANCE TRUST FUND, AND
65 10 HOSPITAL HEALTH CARE ACCESS TRUST FUND
65 11 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
65 12 appropriated from the pharmaceutical settlement account created
65 13 in section 249A.33 to the department of human services for the
65 14 fiscal year beginning July 1, 2011, and ending June 30, 2012,
65 15 the following amount, or so much thereof as is necessary, to be
65 16 used for the purpose designated:
65 17 Notwithstanding any provision of law to the contrary, to
65 18 supplement the appropriations made in this Act for medical
65 19 contracts under the medical assistance program:
65 20 \$ 5,433,613
65 21 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.
65 22 1. There is appropriated from the IowaCare account
65 23 created in section 249J.24 to the state board of regents for
65 24 distribution to the university of Iowa hospitals and clinics
65 25 for the fiscal year beginning July 1, 2011, and ending June 30,
65 26 2012, the following amount, or so much thereof as is necessary,
65 27 to be used for the purposes designated:
65 28 For salaries, support, maintenance, equipment, and
65 29 miscellaneous purposes, for the provision of medical and
65 30 surgical treatment of indigent patients, for provision of
65 31 services to members of the expansion population pursuant to
65 32 chapter 249J, and for medical education:
65 33 \$ 27,284,584
65 34 a. Funds appropriated in this subsection shall not be used
65 35 to perform abortions except medically necessary abortions, and



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66 1 shall not be used to operate the early termination of pregnancy
66 2 clinic except for the performance of medically necessary
66 3 abortions. For the purpose of this subsection, an abortion is
66 4 the purposeful interruption of pregnancy with the intention
66 5 other than to produce a live-born infant or to remove a dead
66 6 fetus, and a medically necessary abortion is one performed
66 7 under one of the following conditions:

66 8 (1) The attending physician certifies that continuing the
66 9 pregnancy would endanger the life of the pregnant woman.

66 10 (2) The attending physician certifies that the fetus is
66 11 physically deformed, mentally deficient, or afflicted with a
66 12 congenital illness.

66 13 (3) The pregnancy is the result of a rape which is reported
66 14 within 45 days of the incident to a law enforcement agency or
66 15 public or private health agency which may include a family
66 16 physician.

66 17 (4) The pregnancy is the result of incest which is reported
66 18 within 150 days of the incident to a law enforcement agency
66 19 or public or private health agency which may include a family
66 20 physician.

66 21 (5) The abortion is a spontaneous abortion, commonly known
66 22 as a miscarriage, wherein not all of the products of conception
66 23 are expelled.

66 24 b. Notwithstanding any provision of law to the contrary,
66 25 the amount appropriated in this subsection shall be distributed
66 26 based on claims submitted, adjudicated, and paid by the Iowa
66 27 Medicaid enterprise.

66 28 c. The university of Iowa hospitals and clinics shall
66 29 certify public expenditures in an amount equal to provide
66 30 the nonfederal share on total expenditures not to exceed
66 31 \$20,000,000.

66 32 2. There is appropriated from the IowaCare account
66 33 created in section 249J.24 to the state board of regents for
66 34 distribution to the university of Iowa hospitals and clinics
66 35 for the fiscal year beginning July 1, 2011, and ending June 30,



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67 1 2012, the following amount, or so much thereof as is necessary,
67 2 to be used for the purposes designated:

67 3 For salaries, support, maintenance, equipment, and
67 4 miscellaneous purposes, for the provision of medical and
67 5 surgical treatment of indigent patients, for provision of
67 6 services to members of the expansion population pursuant to
67 7 chapter 249J, and for medical education:

67 8 \$ 44,226,279

67 9 Notwithstanding any provision of law to the contrary, the
67 10 amount appropriated in this subsection shall be distributed
67 11 based on claims submitted, adjudicated, and paid by the Iowa
67 12 Medicaid enterprise.

67 13 3. There is appropriated from the IowaCare account
67 14 created in section 249J.24, to the state board of regents for
67 15 distribution to university of Iowa physicians for the fiscal
67 16 year beginning July 1, 2011, and ending June 30, 2012, the
67 17 following amount, or so much thereof as is necessary to be used
67 18 for the purposes designated:

67 19 For salaries, support, maintenance, equipment, and
67 20 miscellaneous purposes for the provision of medical and
67 21 surgical treatment of indigent patients, for provision of
67 22 services to members of the expansion population pursuant to
67 23 chapter 249J, and for medical education:

67 24 \$ 16,277,753

67 25 Notwithstanding any provision of law to the contrary, the
67 26 amount appropriated in this subsection shall be distributed
67 27 based on claims submitted, adjudicated, and paid by the Iowa
67 28 Medicaid enterprise. Once the entire amount appropriated in
67 29 this subsection has been distributed, claims shall continue to
67 30 be submitted and adjudicated by the Iowa Medicaid enterprise;
67 31 however, no payment shall be made based upon such claims.

67 32 4. There is appropriated from the IowaCare account created
67 33 in section 249J.24 to the department of human services for the
67 34 fiscal year beginning July 1, 2011, and ending June 30, 2012,
67 35 the following amount, or so much thereof as is necessary, to be



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68 1 used for the purposes designated:

68 2 For distribution to a publicly owned acute care teaching
68 3 hospital located in a county with a population over 350,000 for
68 4 the provision of medical and surgical treatment of indigent
68 5 patients, for provision of services to members of the expansion
68 6 population pursuant to chapter 249J, and for medical education:
68 7 \$ 65,000,000

68 8 a. Notwithstanding any provision of law to the contrary,
68 9 the amount appropriated in this subsection shall be distributed
68 10 based on claims submitted, adjudicated, and paid by the Iowa
68 11 Medicaid enterprise plus a monthly disproportionate share
68 12 hospital payment. Any amount appropriated in this subsection
68 13 in excess of \$60,000,000 shall be distributed only if the sum
68 14 of the expansion population claims adjudicated and paid by the
68 15 Iowa Medicaid enterprise plus the estimated disproportionate
68 16 share hospital payments exceeds \$60,000,000. The amount paid
68 17 in excess of \$60,000,000 shall not adjust the original monthly
68 18 payment amount but shall be distributed monthly based on actual
68 19 claims adjudicated and paid by the Iowa Medicaid enterprise
68 20 plus the estimated disproportionate share hospital amount. Any
68 21 amount appropriated in this subsection in excess of \$60,000,000
68 22 shall be allocated only if federal funds are available to match
68 23 the amount allocated. Pursuant to paragraph "b", of the amount
68 24 appropriated in this subsection, not more than \$4,000,000 shall
68 25 be distributed for prescription drugs and podiatry services.

68 26 b. Notwithstanding any provision of law to the contrary, the
68 27 hospital identified in this subsection, shall be reimbursed for
68 28 outpatient prescription drugs and podiatry services provided to
68 29 members of the expansion population pursuant to all applicable
68 30 medical assistance program rules, in an amount not to exceed
68 31 \$4,000,000.

68 32 c. Notwithstanding the total amount of proceeds distributed
68 33 pursuant to section 249J.24, subsection 4, paragraph "a",
68 34 unnumbered paragraph 1, for the fiscal year beginning July
68 35 1, 2011, and ending June 30, 2012, the county treasurer of a



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69 1 county with a population of over 350,000 in which a publicly
69 2 owned acute care teaching hospital is located shall distribute
69 3 the proceeds collected pursuant to section 347.7 in a total
69 4 amount of \$38,000,000, which would otherwise be distributed to
69 5 the county hospital, to the treasurer of state for deposit in
69 6 the IowaCare account.

69 7 d. (1) Notwithstanding the amount collected and
69 8 distributed for deposit in the IowaCare account pursuant to
69 9 section 249J.24, subsection 6, paragraph "a", subparagraph
69 10 (1), the first \$19,000,000 in proceeds collected pursuant to
69 11 section 347.7 between July 1, 2011, and December 31, 2011,
69 12 shall be distributed to the treasurer of state for deposit in
69 13 the IowaCare account and collections during this time period
69 14 in excess of \$19,000,000 shall be distributed to the acute
69 15 care teaching hospital identified in this subsection. Of the
69 16 collections in excess of the \$19,000,000 received by the acute
69 17 care teaching hospital under this subparagraph (1), \$2,000,000
69 18 shall be distributed by the acute care teaching hospital to the
69 19 treasurer of state for deposit in the IowaCare account in the
69 20 month of January 2012, following the July 1 through December
69 21 31, 2011, period.

69 22 (2) Notwithstanding the amount collected and distributed
69 23 for deposit in the IowaCare account pursuant to section
69 24 249J.24, subsection 6, paragraph "a", subparagraph (2),
69 25 the first \$19,000,000 in collections pursuant to section
69 26 347.7 between January 1, 2012, and June 30, 2012, shall be
69 27 distributed to the treasurer of state for deposit in the
69 28 IowaCare account and collections during this time period in
69 29 excess of \$19,000,000 shall be distributed to the acute care
69 30 teaching hospital identified in this subsection. Of the
69 31 collections in excess of the \$19,000,000 received by the acute
69 32 care teaching hospital under this subparagraph (2), \$2,000,000
69 33 shall be distributed by the acute care teaching hospital to the
69 34 treasurer of state for deposit in the IowaCare account in the
69 35 month of July 2012, following the January 1 through June 30,



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70 1 2012, period.

70 2 5. There is appropriated from the IowaCare account created
70 3 in section 249J.24 to the department of human services for the
70 4 fiscal year beginning July 1, 2011, and ending June 30, 2012,
70 5 the following amount, or so much thereof as is necessary to be
70 6 used for the purpose designated:

70 7 For payment to the regional provider network specified
70 8 by the department pursuant to section 249J.7 for provision
70 9 of covered services to members of the expansion population
70 10 pursuant to chapter 249J:

70 11 \$ 3,472,176

70 12 Notwithstanding any provision of law to the contrary, the
70 13 amount appropriated in this subsection shall be distributed
70 14 based on claims submitted, adjudicated, and paid by the Iowa
70 15 Medicaid enterprise. Once the entire amount appropriated in
70 16 this subsection has been distributed, claims shall continue to
70 17 be submitted and adjudicated by the Iowa Medicaid enterprise;
70 18 however, no payment shall be made based upon such claims.

70 19 6. There is appropriated from the IowaCare account created
70 20 in section 249J.24 to the department of human services for the
70 21 fiscal year beginning July 1, 2011, and ending June 30, 2012,
70 22 the following amount, or so much thereof as is necessary to be
70 23 used for the purposes designated:

70 24 For a care coordination pool to pay the expansion population
70 25 providers consisting of the university of Iowa hospitals and
70 26 clinics, the publicly owned acute care teaching hospital as
70 27 specified in section 249J.7, and current medical assistance
70 28 program providers that are not expansion population network
70 29 providers pursuant to section 249J.7, for services covered by
70 30 the full benefit medical assistance program but not under the
70 31 IowaCare program pursuant to section 249J.6, that are provided
70 32 to expansion population members:

70 33 \$ 1,500,000

70 34 a. Notwithstanding sections 249J.6 and 249J.7, the amount
70 35 appropriated in this subsection is intended to provide



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71 1 payment for medically necessary services provided to expansion
71 2 population members for continuation of care provided by the
71 3 university of Iowa hospitals and clinics or the publicly owned
71 4 acute care teaching hospital as specified in section 249J.7.
71 5 Payment may only be made for services that are not otherwise
71 6 covered under section 249J.6, and which are follow-up services
71 7 to covered services provided by the hospitals specified in this
71 8 paragraph "a".
71 9 b. The funds appropriated in this subsection are intended
71 10 to provide limited payment for continuity of care services for
71 11 an expansion population member, and are intended to cover the
71 12 costs of services to expansion population members, regardless
71 13 of the member's county of residence or medical home assignment,
71 14 if the care is related to specialty or hospital services
71 15 provided by the hospitals specified in paragraph "a".
71 16 c. The funds appropriated in this subsection are
71 17 not intended to provide for expanded coverage under the
71 18 IowaCare program, and shall not be used to cover emergency
71 19 transportation services.
71 20 d. The department shall adopt administrative rules pursuant
71 21 to chapter 17A to establish a prior authorization process and
71 22 to identify covered services for reimbursement under this
71 23 subsection.
71 24 7. There is appropriated from the IowaCare account created
71 25 in section 249J.24 to the department of human services for the
71 26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
71 27 the following amount or so much thereof as is necessary to be
71 28 used for the purposes designated:
71 29 For a laboratory test and radiology pool for services
71 30 authorized by a federally qualified health center designated
71 31 by the department as part of the IowaCare regional provider
71 32 network that does not have the capability to provide these
71 33 services on site:
71 34 \$ 500,000
71 35 Notwithstanding sections 249J.6 and 249J.7, the amount



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72 1 appropriated in this subsection is intended to provide
72 2 reimbursement for services provided to expansion population
72 3 members that have previously been paid for through expenditure
72 4 by designated regional provider network providers of their
72 5 own funds, not to expand coverage under the IowaCare program
72 6 or to expand the expansion population provider network. The
72 7 department shall designate the laboratory and radiology
72 8 provider associated with each designated regional provider
72 9 network provider that may receive reimbursement. The
72 10 department shall adopt administrative rules pursuant to chapter
72 11 17A to establish a prior authorization process and to identify
72 12 covered services for reimbursement under this subsection.
72 13 All other medical assistance program payment policies and
72 14 rules for laboratory and radiology services shall apply to
72 15 services provided under this subsection. If the entire amount
72 16 appropriated under this subsection is expended, laboratory
72 17 tests and radiology services ordered by a designated regional
72 18 provider network provider shall be the financial responsibility
72 19 of the regional provider network provider.

72 20 Sec. 37. APPROPRIATIONS FROM NONPARTICIPATING
72 21 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
72 22 SERVICES. Notwithstanding any provision to the contrary, and
72 23 subject to the availability of funds, there is appropriated
72 24 from the nonparticipating provider reimbursement fund created
72 25 in section 249J.24A to the department of human services for the
72 26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
72 27 the following amount or so much thereof as is necessary for the
72 28 purposes designated:

72 29 To reimburse nonparticipating providers in accordance with
72 30 section 249J.24A:
72 31 \$ 2,000,000

72 32 Sec. 38. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
72 33 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
72 34 Notwithstanding any provision to the contrary, there is
72 35 appropriated from the account for health care transformation



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73 1 created in section 249J.23 to the department of human services
73 2 for the fiscal year beginning July 1, 2011, and ending June
73 3 30, 2012, the following amounts, or so much thereof as is
73 4 necessary, to be used for the purposes designated:
73 5 1. For the provision of an IowaCare nurse helpline for the
73 6 expansion population as provided in section 249J.6:
73 7 \$ 100,000
73 8 2. For other health promotion partnership activities
73 9 pursuant to section 249J.14:
73 10 \$ 600,000
73 11 3. For the costs related to audits, performance
73 12 evaluations, and studies required pursuant to chapter 249J:
73 13 \$ 125,000
73 14 4. For administrative costs associated with chapter 249J:
73 15 \$ 1,132,412
73 16 5. For planning and development, in cooperation with the
73 17 department of public health, of a phased-in program to provide
73 18 a dental home for children in accordance with section 249J.14:
73 19 \$ 1,000,000
73 20 6. For continuation of the establishment of the tuition
73 21 assistance for individuals serving individuals with
73 22 disabilities pilot program, as enacted in 2008 Iowa Acts,
73 23 chapter 1187, section 130:
73 24 \$ 50,000
73 25 7. For medical contracts:
73 26 \$ 2,000,000
73 27 8. For payment to the publicly owned acute care teaching
73 28 hospital located in a county with a population of over 350,000
73 29 that is a participating provider pursuant to chapter 249J:
73 30 \$ 290,000
73 31 Disbursements under this subsection shall be made monthly.
73 32 The hospital shall submit a report following the close of the
73 33 fiscal year regarding use of the funds appropriated in this
73 34 subsection to the persons specified in this Act to receive
73 35 reports.



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74 1 9. For transfer to the department of public health to be
74 2 used for the costs of medical home system advisory council
74 3 established pursuant to section 135.159, including for the
74 4 incorporation of the work and duties of the prevention and
74 5 chronic care management advisory council pursuant to section
74 6 135.161, as amended by this Act:
74 7 \$ 233,357
74 8 Notwithstanding section 8.39, subsection 1, without the
74 9 prior written consent and approval of the governor and the
74 10 director of the department of management, the director of human
74 11 services may transfer funds among the appropriations made in
74 12 this section as necessary to carry out the purposes of the
74 13 account for health care transformation. The department shall
74 14 report any transfers made pursuant to this section to the
74 15 legislative services agency.
74 16 Sec. 39. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
74 17 INSPECTIONS AND APPEALS. There is appropriated from the
74 18 Medicaid fraud account created in section 249A.7 to the
74 19 department of inspections and appeals for the fiscal year
74 20 beginning July 1, 2011, and ending June 30, 2012, the following
74 21 amount, or so much thereof as is necessary, to be used for the
74 22 purposes designated:
74 23 For the inspection and certification of assisted living
74 24 programs and adult day care services, including program
74 25 administration and costs associated with implementation:
74 26 \$ 1,339,527
74 27 Sec. 40. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF HUMAN
74 28 SERVICES. There is appropriated from the Medicaid fraud
74 29 account created in section 249A.7 to the department of human
74 30 services for the fiscal year beginning July 1, 2011, and ending
74 31 June 30, 2012, the following amount, or so much thereof as is
74 32 necessary, to be used for the purposes designated:
74 33 To supplement the appropriation made in this Act from the
74 34 general fund of the state to the department of human services
74 35 for medical assistance:



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75 1 \$ 2,000,000
75 2 Sec. 41. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
75 3 SERVICES. Notwithstanding any provision to the contrary and
75 4 subject to the availability of funds, there is appropriated
75 5 from the quality assurance trust fund created in section
75 6 249L.4 to the department of human services for the fiscal year
75 7 beginning July 1, 2011, and ending June 30, 2012, the following
75 8 amounts, or so much thereof as is necessary for the purposes
75 9 designated:
75 10 1. To supplement the appropriation made in this Act from the
75 11 general fund of the state to the department of human services
75 12 for medical assistance:
75 13 \$ 60,496,712
75 14 2. To increase the monthly upper cost limit for services
75 15 under the medical assistance home and community-based services
75 16 waiver for the elderly:
75 17 \$ 1,000,000
75 18 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND ====
75 19 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
75 20 the contrary and subject to the availability of funds, there is
75 21 appropriated from the hospital health care access trust fund
75 22 created in section 249M.4 to the department of human services
75 23 for the fiscal year beginning July 1, 2011, and ending June
75 24 30, 2012, the following amounts, or so much thereof as is
75 25 necessary, for the purposes designated:
75 26 1. To supplement the appropriation made in this Act from the
75 27 general fund of the state to the department of human services
75 28 for medical assistance:
75 29 \$ 39,223,800
75 30 2. For deposit in the nonparticipating provider
75 31 reimbursement fund created in section 249J.24A to be used for
75 32 the purposes of the fund:
75 33 \$ 776,200
75 34 Sec. 43. MEDICAL ASSISTANCE PROGRAM ==== NONREVERSION
75 35 FOR FY 2011=2012. Notwithstanding section 8.33, if moneys



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76 1 appropriated for purposes of the medical assistance program
76 2 for the fiscal year beginning July 1, 2011, and ending June
76 3 30, 2012, from the general fund of the state, the Medicaid
76 4 fraud account, the quality assurance trust fund, and the
76 5 hospital health care access trust fund, are in excess of actual
76 6 expenditures for the medical assistance program and remain
76 7 unencumbered or unobligated at the close of the fiscal year,
76 8 the excess moneys shall not revert but shall remain available
76 9 for expenditure for the purposes of the medical assistance
76 10 program until the close of the succeeding fiscal year.

DIVISION VI

76 12 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
76 13 2011=2012

76 14 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
76 15 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
76 16 RELIEF. Notwithstanding the standing appropriation in section
76 17 426B.1, subsection 2, for the fiscal year beginning July 1,
76 18 2011, and ending June 30, 2012, the amount appropriated from
76 19 the general fund of the state pursuant to that provision shall
76 20 not exceed the following amount:

..... \$

76 21 81,199,911

76 22 Sec. 45. 2010 Iowa Acts, chapter 1193, section 1, is amended
76 23 to read as follows:

76 24 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING
76 25 ==== FY 2011=2012.

76 26 1. Notwithstanding section 331.439, subsection 3, the
76 27 allowed growth factor adjustment for county mental health,
76 28 mental retardation, and developmental disabilities service
76 29 expenditures for the fiscal year beginning July 1, 2011, shall
76 30 be established by statute which shall be enacted within thirty
76 31 calendar days of the convening of the Eighty=fourth General
76 32 Assembly, 2011 Session, on January 10, 2011. The governor
76 33 shall submit to the general assembly a recommendation for such
76 34 allowed growth factor adjustment and the amounts of related
76 35 appropriations to the general assembly on or before January 11,



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77 1 2011.

77 2 2. The appropriation and allocations made in this section
77 3 fulfill the requirements of the governor and general assembly
77 4 under subsection 1.

77 5 3. There is appropriated from the general fund of the
77 6 state to the department of human services for the fiscal year
77 7 beginning July 1, 2011, and ending June 30, 2012, the following
77 8 amount, or so much thereof as is necessary, to be used for the
77 9 purpose designated:

77 10 For distribution to counties of the county mental health,
77 11 mental retardation, and developmental disabilities allowed
77 12 growth factor adjustment for fiscal year 2011=2012 as provided
77 13 in this section in lieu of the allowed growth factor provisions
77 14 of section 331.438, subsection 2, and section 331.439,
77 15 subsection 3, and chapter 426B:

77 16 \$ 48,697,893

77 17 Sec. 46. 2010 Iowa Acts, chapter 1193, section 1, as
77 18 amended by this division of this Act, is amended by adding the
77 19 following new subsections:

77 20 NEW SUBSECTION. 4. Of the amount appropriated in this
77 21 section, \$12,000,000 shall be distributed as provided in this
77 22 subsection.

77 23 a. To be eligible to receive a distribution under this
77 24 subsection, a county must meet the following requirements:

77 25 (1) The county is levying for the maximum amount allowed
77 26 for the county's mental health, mental retardation, and
77 27 developmental disabilities services fund under section 331.424A
77 28 for taxes due and payable in the fiscal year beginning July 1,
77 29 2011, or the county is levying for at least 90 percent of the
77 30 maximum amount allowed for the county's services fund and that
77 31 levy rate is more than \$2 per \$1,000 of the assessed value of
77 32 all taxable property in the county.

77 33 (2) In the fiscal year beginning July 1, 2009, the
77 34 county's mental health, mental retardation, and developmental
77 35 disabilities services fund ending balance under generally



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78 1 accepted accounting principles was equal to or less than 15
78 2 percent of the county's actual gross expenditures for that
78 3 fiscal year.
78 4 b. The amount of a county's distribution from the allocation
78 5 made in this subsection shall be determined based upon the
78 6 county's proportion of the general population of the counties
78 7 eligible to receive a distribution under this subsection. The
78 8 latest certified federal census issued by the United States
78 9 bureau of the census shall be applied in determining population
78 10 for the purposes of this paragraph.
78 11 c. The distributions made pursuant to this subsection
78 12 are subject to the distribution provisions and withholding
78 13 requirements established in this section for the county mental
78 14 health, mental retardation, and developmental disabilities
78 15 allowed growth factor adjustment for the fiscal year beginning
78 16 July 1, 2011.
78 17 NEW SUBSECTION. 5. The following amount of the funding
78 18 appropriated in this section is the allowed growth factor
78 19 adjustment for fiscal year 2011=2012, and shall be credited to
78 20 the allowed growth funding pool created in the property tax
78 21 relief fund and for distribution in accordance with section
78 22 426B.5, subsection 1:
78 23 \$ 36,697,893
78 24 NEW SUBSECTION. 6. The following formula amounts shall be
78 25 utilized only to calculate preliminary distribution amounts for
78 26 the allowed growth factor adjustment for fiscal year 2011=2012
78 27 under this section by applying the indicated formula provisions
78 28 to the formula amounts and producing a preliminary distribution
78 29 total for each county:
78 30 a. For calculation of a distribution amount for eligible
78 31 counties from the allowed growth funding pool created in the
78 32 property tax relief fund in accordance with the requirements in
78 33 section 426B.5, subsection 1:
78 34 \$ 49,773,346
78 35 b. For calculation of a distribution amount for counties



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79 1 from the mental health and developmental disabilities (MH/DD)
79 2 community services fund in accordance with the formula provided
79 3 in the appropriation made for the MH/DD community services fund
79 4 for the fiscal year beginning July 1, 2011:
79 5 \$ 14,187,556
79 6 NEW SUBSECTION. 7. a. After applying the applicable
79 7 statutory distribution formulas to the amounts indicated in
79 8 subsection 6 for purposes of producing preliminary distribution
79 9 totals, the department of human services shall apply a
79 10 withholding factor to adjust an eligible individual county's
79 11 preliminary distribution total. In order to be eligible for
79 12 a distribution under this section, a county must be levying
79 13 90 percent or more of the maximum amount allowed for the
79 14 county's mental health, mental retardation, and developmental
79 15 disabilities services fund under section 331.424A for taxes due
79 16 and payable in the fiscal year for which the distribution is
79 17 payable.
79 18 b. An ending balance percentage for each county shall
79 19 be determined by expressing the county's ending balance on a
79 20 modified accrual basis under generally accepted accounting
79 21 principles for the fiscal year beginning July 1, 2009, in the
79 22 county's mental health, mental retardation, and developmental
79 23 disabilities services fund created under section 331.424A, as a
79 24 percentage of the county's gross expenditures from that fund
79 25 for that fiscal year. If a county borrowed moneys for purposes
79 26 of providing services from the county's services fund on or
79 27 before July 1, 2009, and the county's services fund ending
79 28 balance for that fiscal year includes the loan proceeds or an
79 29 amount designated in the county budget to service the loan for
79 30 the borrowed moneys, those amounts shall not be considered
79 31 to be part of the county's ending balance for purposes of
79 32 calculating an ending balance percentage under this subsection.
79 33 c. For purposes of calculating withholding factors and
79 34 for ending balance amounts used for other purposes under law,
79 35 the county ending balances shall be adjusted, using forms



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80 1 developed for this purpose by the county finance committee,
80 2 to disregard the temporary funding increase provided to the
80 3 counties for the fiscal year through the federal American
80 4 Recovery and Reinvestment Act of 2009, Pub. L. No. 111=5. In
80 5 addition, a county may adjust the ending balance amount by
80 6 rebating to the department all or a portion of the allowed
80 7 growth and MH/DD services fund moneys the county received for
80 8 the fiscal year beginning July 1, 2010, in accordance with
80 9 2009 Iowa Acts, chapter 179, section 1, as amended by 2009
80 10 Iowa Acts, chapter 1192, sections 47 and 48, or from any other
80 11 services fund moneys available to the county. The rebate must
80 12 be remitted to the department on or before June 1, 2011, in
80 13 order to be counted. However, if this division of this Act
80 14 is enacted after June 1, 2011, the rebate must be remitted no
80 15 later than 10 calendar days after the date of the governor's
80 16 approval of this Act. The amount rebated by a county shall be
80 17 subtracted dollar=for=dollar from the county's ending balance
80 18 amount for the fiscal year beginning July 1, 2009, for purposes
80 19 of calculating the withholding factor and for other ending
80 20 balance purposes for the fiscal year beginning July 1, 2011.
80 21 The rebates received by the department shall be credited to the
80 22 property tax relief fund and distributed as additional funding
80 23 for the fiscal year beginning July 1, 2011, in accordance with
80 24 the formula provisions in this section.
80 25 d. The withholding factor for a county shall be the
80 26 following applicable percent:
80 27 (1) For an ending balance percentage of less than 5
80 28 percent, a withholding factor of 0 percent. In addition,
80 29 a county that is subject to this lettered paragraph shall
80 30 receive an inflation adjustment equal to 3 percent of the gross
80 31 expenditures reported for the county's services fund for the
80 32 fiscal year.
80 33 (2) For an ending balance percentage of 5 percent or more
80 34 but less than 10 percent, a withholding factor of 0 percent.
80 35 In addition, a county that is subject to this lettered



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81 1 paragraph shall receive an inflation adjustment equal to 2
81 2 percent of the gross expenditures reported for the county's
81 3 services fund for the fiscal year.

81 4 (3) For an ending balance percentage of 10 percent or more
81 5 but less than 25 percent, a withholding factor of 25 percent.
81 6 However, for counties with an ending balance percentage of 10
81 7 percent or more but less than 15 percent, the amount withheld
81 8 shall be limited to the amount by which the county's ending
81 9 balance was in excess of the ending balance percentage of 10
81 10 percent.

81 11 (4) For an ending balance percentage of 25 percent or more,
81 12 a withholding percentage of 100 percent.

81 13 NEW SUBSECTION. 8. The total withholding amounts applied
81 14 pursuant to subsection 7 shall be equal to a withholding target
81 15 amount of \$13,075,453. If the department of human services
81 16 determines that the amount appropriated is insufficient or
81 17 the amount to be withheld in accordance with subsection 7 is
81 18 not equal to the target withholding amount, the department
81 19 shall adjust the withholding factors listed in subsection 7 as
81 20 necessary to achieve the target withholding amount. However,
81 21 in making such adjustments to the withholding factors, the
81 22 department shall strive to minimize changes to the withholding
81 23 factors for those ending balance percentage ranges that are
81 24 lower than others and shall only adjust the zero withholding
81 25 factor or the inflation adjustment percentages specified in
81 26 subsection 7, paragraph "d", when the amount appropriated is
81 27 insufficient.

81 28 Sec. 47. 2010 Iowa Acts, chapter 1193, section 99, is
81 29 amended to read as follows:

81 30 SEC. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding
81 31 section 331.424A, subsection 5, and section 331.432, subsection
81 32 3, for the fiscal year beginning July 1, 2010, and ending June
81 33 30, 2011, a county may transfer moneys from other funds of the
81 34 county to the county's mental health, mental retardation, and
81 35 developmental disabilities services fund created in section



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82 1 331.424A. A county transferring moneys from other funds of the
82 2 county to the county's services fund pursuant to this section
82 3 shall submit a report detailing the transfers made and funds
82 4 affected. The county shall submit the report along with the
82 5 county expenditure and information report submitted by December
82 6 1, ~~2010~~ 2011, in accordance with section 331.439.

82 7 Sec. 48. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
82 8 APPLICABILITY. The section of this division of this Act
82 9 amending 2010 Iowa Acts, chapter 1193, section 99, being deemed
82 10 of immediate importance, takes effect upon enactment and is
82 11 retroactively applicable to December 1, 2010.

82 12 DIVISION VII

82 13 PRIOR APPROPRIATIONS AND RELATED CHANGES

82 14 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

82 15 Sec. 49. NEW SECTION. 16.185 Community housing and services
82 16 for persons with disabilities revolving loan program fund.

82 17 1. A community housing and services for persons with
82 18 disabilities revolving loan program fund is created within the
82 19 authority to further the availability of affordable housing and
82 20 supportive services for Medicaid waiver=eligible individuals
82 21 with behaviors that provide significant barriers to accessing
82 22 traditional rental and supportive services opportunities. The
82 23 moneys in the fund are annually appropriated to the authority
82 24 to be used for the development and operation of a revolving
82 25 loan program to provide financing to construct affordable
82 26 permanent supportive housing or develop infrastructure in
82 27 which to provide supportive services, including through new
82 28 construction, acquisition and rehabilitation of existing
82 29 housing or infrastructure, or conversion or adaptive reuse.

82 30 2. Moneys transferred by the authority for deposit in the
82 31 community housing and services for persons with disabilities
82 32 revolving loan program fund, moneys appropriated to the
82 33 community housing and services for persons with disabilities
82 34 revolving loan program, and any other moneys available to and
82 35 obtained or accepted by the authority for placement in the



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83 1 fund shall be credited to the fund. Additionally, payment of
83 2 interest, recaptures of awards, and other repayments to the
83 3 community housing and services for persons with disabilities
83 4 revolving loan program fund shall be credited to the fund.
83 5 Notwithstanding section 12C.7, subsection 2, interest or
83 6 earnings on moneys in the fund shall be credited to the fund.
83 7 Notwithstanding section 8.33, moneys credited to the fund from
83 8 any other fund that remain unencumbered or unobligated at the
83 9 close of the fiscal year shall not revert to the other fund.
83 10 3. a. The authority shall annually allocate moneys
83 11 available in the fund for the development of permanent
83 12 supportive housing for Medicaid waiver=eligible individuals.
83 13 The authority shall develop a joint application process for the
83 14 allocation of United States housing and urban development HOME
83 15 investment partnerships program funding and the funds available
83 16 under this section. Moneys allocated to such projects may be
83 17 in the form of loans, forgivable loans, or a combination of
83 18 loans and forgivable loans.
83 19 b. The authority shall annually allocate moneys available
83 20 in the fund for the development of infrastructure in which
83 21 to provide supportive services for Medicaid waiver=eligible
83 22 individuals who meet the psychiatric medical institution for
83 23 children level of care. Moneys allocated to such projects may
83 24 be in the form of loans, forgivable loans, or a combination of
83 25 loans and forgivable loans.
83 26 4. a. A project shall demonstrate written approval of the
83 27 project by the department of human services to the authority
83 28 prior to application for funding under this section.
83 29 b. In order to be approved by the department of human
83 30 services for application for funding for development of
83 31 permanent supportive housing under this section, a project
83 32 shall include all of the following components:
83 33 (1) Provision of services to any of the following Medicaid
83 34 waiver=eligible individuals:
83 35 (a) Individuals who are currently underserved in community



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84 1 placements, including individuals who are physically aggressive
84 2 or have behaviors that are difficult to manage or individuals
84 3 who meet the psychiatric medical institution for children level
84 4 of care.

84 5 (b) Individuals who are currently residing in out-of-state
84 6 facilities.

84 7 (c) Individuals who are currently receiving care in a
84 8 licensed health care facility.

84 9 (2) A plan to provide each individual with crisis
84 10 stabilization services to ensure that the individual's
84 11 behavioral issues are appropriately addressed by the provider.

84 12 (3) Policies and procedures that prohibit discharge of the
84 13 individual from the waiver services provided by the project
84 14 provider unless an alternative placement that is acceptable to
84 15 the client or the client's guardian is identified.

84 16 c. In order to be approved by the department of human
84 17 services for application for funding for development of
84 18 infrastructure in which to provide supportive services under
84 19 this section, a project shall include all of the following
84 20 components:

84 21 (1) Provision of services to Medicaid waiver-eligible
84 22 individuals who meet the psychiatric medical institution for
84 23 children level of care.

84 24 (2) Policies and procedures that prohibit discharge of the
84 25 individual from the waiver services provided by the project
84 26 provider unless an alternative placement that is acceptable to
84 27 the client or the client's guardian is identified.

84 28 d. Housing provided through a project under this section is
84 29 exempt from the requirements of chapter 1350.

84 30 5. The authority, in collaboration with the department of
84 31 human services, shall adopt rules pursuant to chapter 17A to
84 32 administer this section.

84 33 VIETNAM CONFLICT VETERANS BONUS

84 34 Sec. 50. Section 35A.8A, subsection 2, paragraph d, Code
84 35 2011, is amended to read as follows:



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85 1 d. The person files an application for compensation under
85 2 this section, in a manner determined by the department of
85 3 veterans affairs, by ~~July 1, 2010~~ May 1, 2011.

85 4 VIETNAM CONFLICT VETERANS

85 5 BONUS FUND

85 6 Sec. 51. 2008 Iowa Acts, chapter 1187, section 68, as
85 7 amended by 2009 Iowa Acts, chapter 182, section 82, and 2010
85 8 Iowa Acts, chapter 1192, section 55, is amended to read as
85 9 follows:

85 10 Notwithstanding section 8.33, moneys appropriated in this
85 11 section that remain unencumbered or unobligated at the close of
85 12 the fiscal year shall not revert but shall remain available for
85 13 expenditure for the purposes designated until the ~~close of the~~
~~85 14 fiscal year beginning July 1, 2010~~ repeal of section 35A.8A.

85 15 Upon such repeal, the remaining moneys shall be transferred to
85 16 the veterans trust fund and, notwithstanding section 35A.13,
85 17 subsection 3, shall only be expended in accordance with an
85 18 appropriation for purposes of a bonus enacted for veterans of
85 19 the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

85 20 INJURED VETERANS GRANT PROGRAM

85 21 Sec. 52. 2008 Iowa Acts, chapter 1187, section 69,
85 22 unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter
85 23 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56,
85 24 is amended to read as follows:

85 25 Notwithstanding section 8.33, moneys appropriated in this
85 26 subsection that remain unencumbered or unobligated at the close
85 27 of the fiscal year shall not revert but shall remain available
85 28 for expenditure for the purposes designated until the close of
85 29 the fiscal year beginning July 1, ~~2010~~ 2011.

85 30 BEHAVIORAL HEALTH SERVICES

85 31 ACCOUNT ==== MEDICAL ASSISTANCE

85 32 Sec. 53. 2009 Iowa Acts, chapter 182, section 9, subsection
85 33 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192,
85 34 section 63, is amended to read as follows:

85 35 b. The department shall continue to maintain a separate



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86 1 account within the medical assistance budget for the deposit
86 2 of all funds remitted pursuant to a contract with a third
86 3 party to administer behavioral health services under the
86 4 medical assistance program established pursuant to 2008 Iowa
86 5 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
86 6 section 8.33, other than funds remaining from the appropriation
86 7 allocations made for implementation of the emergency mental
86 8 health crisis services and system, for implementation of the
86 9 mental health services system for children and youth, and
86 10 for training of child welfare services providers in 2008
86 11 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph
86 12 "c", subparagraphs (1), (2), and (6), as authorized in 2009
86 13 Iowa Acts, chapter 182, section 72, shall not revert but
86 14 shall remain available in succeeding fiscal years to be used
86 15 for the purposes designated until expended and any other
86 16 funds remaining in the account that remain unencumbered or
86 17 unobligated at the end of the fiscal year shall not revert
86 18 but shall remain available in succeeding fiscal years
86 19 ~~and are appropriated to the department to be used for the~~
~~86 20 medical assistance program to be used for purposes of crisis~~
86 21 stabilization and other mental and behavioral health service
86 22 improvements.

86 23 CHILD WELFARE DECATEGORIZATION

86 24 FY 2009=2010 NONREVERSION

86 25 Sec. 54. 2009 Iowa Acts, chapter 182, section 14, subsection
86 26 5, is amended by adding the following new unnumbered paragraph:

86 27 NEW UNNUMBERED PARAGRAPH Notwithstanding section

86 28 232.188, subsection 5, moneys from the allocations made

86 29 in this subsection or made from any other source for the

86 30 decategorization of child welfare and juvenile justice funding

86 31 initiative under section 232.188 for the fiscal year beginning

86 32 July 1, 2009, that are designated as carryover funding that

86 33 remain unencumbered or unobligated at the close of the fiscal

86 34 year beginning July 1, 2010, shall not revert but shall be

86 35 transferred to the community housing and services for persons



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87 1 with disabilities revolving loan program fund created in
87 2 section 16.185, as enacted by this division of this Act.
87 3 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ==== ALLOCATION
87 4 FOR INFANT AND TODDLER CARE QUALITY
87 5 Sec. 55. 2009 Iowa Acts, chapter 183, section 62, subsection
87 6 3, is amended to read as follows:
87 7 3. For the purposes of this subsection, "federal poverty
87 8 level" means the poverty level defined by the most recently
87 9 revised poverty income guidelines published by the United
87 10 States department of health and human services. The program
87 11 shall provide financial assistance to families with infants
87 12 and toddlers less than thirty=six months of age ~~two~~ that have
87 13 a family income of more than 145 percent but not more than 185
87 14 percent of the federal poverty level. However, the department
87 15 may adjust the qualifying criteria or the financial assistance
87 16 purpose provisions specified in this subsection or make other
87 17 changes as necessary for implementation to conform with federal
87 18 requirements for the funding. Outcome reporting and other
87 19 grant requirements shall be developed by the department in
87 20 cooperation with the Iowa empowerment board.
87 21 Sec. 56. 2009 Iowa Acts, chapter 183, section 62, subsection
87 22 4, is amended to read as follows:
87 23 4. The financial assistance shall be for any of the
87 24 following purposes:
87 25 a. For making temporary payments to qualifying families
87 26 whose members are recently unemployed and seeking work to use
87 27 in meeting immediate family needs.
87 28 b. For providing sliding scale subsidies for qualifying
87 29 families for child care provided to the families' infants
87 30 and toddlers by providers who are accredited by the national
87 31 association for the education of young children or the national
87 32 association for family child care, or who have a rating at
87 33 level ~~3~~ 2 or higher under the child care quality rating system
87 34 implemented pursuant to section 237A.30.
87 35 c. For expanding training and other support for infant care



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88 1 providers in the community and this state.

88 2 d. For ensuring child care environments are healthy and
88 3 safe.

88 4 e. For promoting positive relationships between parents
88 5 and providers in their mutual efforts to care for very young
88 6 children.

88 7 f. For ensuring that parents have the information and
88 8 resources needed to choose quality child care.

88 9 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

88 10 Sec. 57. 2010 Iowa Acts, chapter 1192, section 1, subsection
88 11 2, is amended to read as follows:

88 12 2. ~~a.~~ Of the funds appropriated in this section, \$1,246,514
88 13 shall be transferred to the department of human services in
88 14 equal amounts on a quarterly basis for reimbursement of case
88 15 management services provided under the medical assistance
88 16 elderly waiver. The department of human services shall adopt
88 17 rules for case management services provided under the medical
88 18 assistance elderly waiver in consultation with the department
88 19 on aging.

88 20 b. ~~The department of human services shall review~~
~~88 21 projections for state funding expenditures for reimbursement~~
~~88 22 of case management services under the medical assistance~~
~~88 23 elderly waiver on a quarterly basis and shall determine if an~~
~~88 24 adjustment to the medical assistance reimbursement rates are~~
~~88 25 necessary to provide reimbursement within the state funding~~
~~88 26 amounts budgeted under the appropriations made for the fiscal~~
~~88 27 year for the medical assistance program. Any temporary~~
~~88 28 enhanced federal financial participation that may become~~
~~88 29 available for the medical assistance program during the fiscal~~
~~88 30 year shall not be used in projecting the medical assistance~~
~~88 31 elderly waiver case management budget. The department of human~~
~~88 32 services shall revise such reimbursement rates as necessary to~~
~~88 33 maintain expenditures for medical assistance elderly waiver~~
~~88 34 case management services within the state funding amounts~~
~~88 35 budgeted under the appropriations made for the fiscal year for~~



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~~89 1 the medical assistance program.~~

89 2 IOWA VETERANS HOME

89 3 Sec. 58. 2010 Iowa Acts, chapter 1192, section 3, subsection
89 4 2, is amended by adding the following new paragraph:

89 5 NEW PARAGRAPH. d. The funds appropriated in this subsection
89 6 to the Iowa veterans home that remain available for expenditure
89 7 for the succeeding fiscal year pursuant to section 35D.18,
89 8 subsection 5, shall be distributed to be used in the succeeding
89 9 fiscal year in accordance with this lettered paragraph. The
89 10 first \$500,000 shall remain available to be used for the
89 11 purposes of the Iowa veterans home. On or before October 15,
89 12 2011, the department of management shall transfer the remaining
89 13 balance to the appropriation to the department of human
89 14 services for medical assistance.

89 15 MEDICAL ASSISTANCE PROGRAM

89 16 Sec. 59. 2010 Iowa Acts, chapter 1192, section 11, is
89 17 amended by adding the following new subsection:

89 18 NEW SUBSECTION. 25. The department may increase the amounts
89 19 allocated for salaries, support, maintenance, and miscellaneous
89 20 purposes associated with the medical assistance program as
89 21 necessary to implement cost containment efforts in order to
89 22 accomplish medical assistance program savings. These amounts
89 23 may be transferred to the appropriation made in this division
89 24 of this Act for the health insurance premium payment program.

89 25 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

89 26 Sec. 60. 2010 Iowa Acts, chapter 1192, section 14, is
89 27 amended by adding the following new subsection:

89 28 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
89 29 appropriated in this section that remain unencumbered or
89 30 unobligated at the close of the fiscal year shall remain
89 31 available for expenditure for the purposes designated until the
89 32 close of the succeeding fiscal year.

89 33 CHILD WELFARE TRAINING ACADEMY

89 34 Sec. 61. 2010 Iowa Acts, chapter 1192, section 19,
89 35 subsection 22, is amended to read as follows:



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90 1 22. Of the funds appropriated in this section, at least
90 2 \$47,158 shall be used for the child welfare training academy.
90 3 Notwithstanding section 8.33, moneys allocated in this
90 4 subsection that remain unencumbered or unobligated at the close
90 5 of the fiscal year shall not revert but shall remain available
90 6 for expenditure for the purposes designated until the close of
90 7 the succeeding fiscal year.

90 8 ADOPTION SUBSIDY TRANSFER AND NONREVERSION

90 9 Sec. 62. 2010 Iowa Acts, chapter 1192, section 20, is
90 10 amended by adding the following new subsections:

90 11 NEW SUBSECTION. 4. Of the funds appropriated in this
90 12 section, \$60,000 shall be transferred to the appropriation
90 13 made in this division of this Act for the state mental health
90 14 institute at Cherokee to be used for childrens' beds at the
90 15 institute.

90 16 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
90 17 appropriated in this section that remain unencumbered or
90 18 unobligated at the close of the fiscal year shall not revert
90 19 but shall remain available for expenditure for the purposes
90 20 designated until the close of the succeeding fiscal year.

90 21 DEPARTMENT OF HUMAN SERVICES ==== FIELD OPERATIONS

90 22 Sec. 63. 2010 Iowa Acts, chapter 1192, section 29, is
90 23 amended by adding the following new unnumbered paragraph:

90 24 NEW UNNUMBERED PARAGRAPH Notwithstanding section 8.33,
90 25 moneys appropriated in this section that remain unencumbered or
90 26 unobligated at the close of the fiscal year shall not revert
90 27 but shall remain available for expenditure for the purposes
90 28 designated until the close of the succeeding fiscal year.

90 29 DEPARTMENT OF HUMAN SERVICES ==== GENERAL ADMINISTRATION

90 30 Sec. 64. 2010 Iowa Acts, chapter 1192, section 30, is
90 31 amended by adding the following new subsection:

90 32 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
90 33 appropriated in this section and the designated allocations
90 34 that remain unencumbered or unobligated at the close of the
90 35 fiscal year shall not revert but shall remain available for



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91 1 expenditure for the purposes designated until the close of the
91 2 succeeding fiscal year.

91 3 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

91 4 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
91 5 subsection 1, is amended to read as follows:

91 6 1. ~~a.~~ Of the funds appropriated in this section, \$1,010,000
91 7 shall be transferred to the department of human services in
91 8 equal amounts on a quarterly basis for reimbursement of case
91 9 management services provided under the medical assistance
91 10 elderly waiver.

91 11 ~~b. The department of human services shall review~~
~~91 12 projections for state funding expenditures for reimbursement~~
~~91 13 of case management services under the medical assistance~~
~~91 14 elderly waiver on a quarterly basis and shall determine if an~~
~~91 15 adjustment to the medical assistance reimbursement rates are~~
~~91 16 necessary to provide reimbursement within the state funding~~
~~91 17 amounts budgeted under the appropriations made for the fiscal~~
~~91 18 year for the medical assistance program. Any temporary~~
~~91 19 enhanced federal financial participation that may become~~
~~91 20 available for the medical assistance program during the fiscal~~
~~91 21 year shall not be used in projecting the medical assistance~~
~~91 22 elderly waiver case management budget. The department of human~~
~~91 23 services shall revise such reimbursement rates as necessary to~~
~~91 24 maintain expenditures for medical assistance elderly waiver~~
~~91 25 case management services within the state funding amounts~~
~~91 26 budgeted under the appropriations made for the fiscal year for~~
~~91 27 the medical assistance program.~~

91 28 QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN SERVICES

91 29 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44, is
91 30 amended to read as follows:

91 31 SEC. 44. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
91 32 SERVICES. Notwithstanding any provision to the contrary and
91 33 subject to the availability of funds, there is appropriated
91 34 from the quality assurance trust fund created in section
91 35 249L.4 to the department of human services for the fiscal year



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92 1 beginning July 1, 2010, and ending June 30, 2011, the following
92 2 amounts, or so much thereof as is necessary for the purposes
92 3 designated:

92 4 To supplement the appropriation made in this Act from the
92 5 general fund of the state to the department of human services
92 6 for medical assistance:

92 7 \$ ~~13,900,000~~
92 8 33,708,458

92 9 1. Of the funds appropriated in this section, \$7,500,000
92 10 shall be used for nursing facility reimbursement under the
92 11 medical assistance program in accordance with the nursing
92 12 facility reimbursement provisions of division IV of this
92 13 Act, to continue application of the administrative rules
92 14 changes relating to nursing facility reimbursement and payment
92 15 procedures made pursuant to 2010 Iowa Acts, Senate File 2366,
92 16 if enacted, for the fiscal year beginning July 1, 2010, and
92 17 ending June 30, 2011, and to restore the 5 percent reduction
92 18 made in nursing facility reimbursement in accordance with
92 19 executive order number 19 issued October 8, 2009.

92 20 2. The costs associated with the implementation of this
92 21 section shall be funded exclusively through moneys appropriated
92 22 from the quality assurance trust fund, and shall result in
92 23 budget neutrality to the general fund of the state for the
92 24 fiscal year beginning July 1, 2010, and ending June 30, 2011.

92 25 INJURED VETERANS TRUST FUND

92 26 Sec. 67. INJURED VETERANS TRUST FUND. There is appropriated
92 27 from the general fund of the state to the department of
92 28 veterans affairs for the fiscal year beginning July 1,
92 29 2010, and ending June 30, 2011, the following amount, or so
92 30 much thereof as is necessary, to be used for the purposes
92 31 designated:

92 32 To be credited to the injured veterans trust fund created
92 33 pursuant to section 35A.14 to be used for the injured veterans
92 34 grant program:

92 35 \$ 1,000,000



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93 1 The department shall review the rules and statutory
93 2 provisions pertaining to the injured veterans grant program and
93 3 propose amendments to improve the program. Notwithstanding
93 4 section 8.33, moneys appropriated in this section that remain
93 5 unencumbered or unobligated at the close of the fiscal year
93 6 shall not revert but shall remain available for expenditure for
93 7 the purposes designated until expended.

93 8 MERCHANT MARINE BONUS FUND TRANSFER

93 9 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS ==== MERCHANT MARINE
93 10 BONUS FUND.

93 11 1. The appropriation made from the merchant marine bonus
93 12 fund to the department of cultural affairs for the fiscal year
93 13 beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa
93 14 Acts, chapter 1193, section 82, shall be transferred on the
93 15 effective date of this section to the department of veterans
93 16 affairs to be used for departmental costs.

93 17 2. Moneys transferred pursuant to this section that remain
93 18 unencumbered or unobligated at the close of the fiscal year
93 19 shall be credited to the veterans trust fund created in section
93 20 35A.13.

93 21 Sec. 69. DECATORIZATION PROJECT FUNDING. For the
93 22 period beginning June 1, 2010, and ending June 30, 2012, a
93 23 child welfare and juvenile justice funding decategorization
93 24 initiative project that is incorporated and owns real property
93 25 may utilize project funding to purchase liability insurance.

93 26 STATE INSTITUTION ==== APPROPRIATION TRANSFERS

93 27 Sec. 70. DEPARTMENT OF HUMAN SERVICES. There is transferred
93 28 between the following designated appropriations made to the
93 29 department of human services for the fiscal year beginning July
93 30 1, 2010, and ending June 30, 2011, not more than the following
93 31 amounts:

93 32 1. From the appropriation made for purposes of the state
93 33 resource center at Glenwood in 2010 Iowa Acts, chapter 1192,
93 34 section 25, subsection 1, paragraph "a", to the appropriation
93 35 made for purposes of the Iowa juvenile home at Toledo in 2010



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94 1 Iowa Acts, chapter 1192, section 17, subsection 1:
94 2 \$ 400,000
94 3 2. From the appropriation made for purposes of the state
94 4 resource center at Woodward in 2010 Iowa Acts, chapter 1192,
94 5 section 25, subsection 1, paragraph "b", to the appropriation
94 6 made for purposes of the state mental health institute at
94 7 Independence in 2010 Iowa Acts, chapter 1192, section 24,
94 8 subsection 1, paragraph "c":
94 9 \$ 400,000
94 10 Sec. 71. ACCOUNTABLE CARE ORGANIZATION ==== PILOT.
94 11 1. a. If an entity applies for certification from the
94 12 secretary of the United States department of health and
94 13 human services prior to January 1, 2012, and is subsequently
94 14 certified to administer an accountable care organization
94 15 pilot project, pursuant to the federal Patient Protection and
94 16 Accountability Act, Pub. L. No. 111=148, the department of
94 17 human services shall work with the entity to provide access to
94 18 the complete deidentified claims data of the medical assistance
94 19 recipients receiving health care services through the pilot
94 20 project for the purposes of identifying areas of utilization,
94 21 need, and potential cost savings to the medical assistance
94 22 program subject to all applicable state and federal laws and
94 23 regulations. The department may also employ new payment
94 24 models, information technology, and data analytics provisions
94 25 necessary to the administration of the pilot project.
94 26 b. The department of human services shall work with an
94 27 entity to administer an accountable care organization pilot
94 28 project, only if the centers for Medicare and Medicaid services
94 29 of the United States department of health and human services
94 30 approves participation of the medical assistance program in
94 31 the pilot project and the entity meets all of the following
94 32 requirements:
94 33 (1) At a minimum, includes the participation of a
94 34 prospective payment system hospital, ten primary care
94 35 physicians, a home health care practice, a palliative care



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95 1 services, a hospice service, and a community mental health
95 2 center, all of which agree to be paid under a partial or global
95 3 payment for identified services.
95 4 (2) Requires all participating providers to utilize
95 5 electronic health records.
95 6 (3) Includes delivery of mental health services to
95 7 recipients of medical assistance through collaboration with
95 8 the regional community mental health center, a federally
95 9 qualified health center, and at least one nursing facility as
95 10 consistent with any other law enacted by the Eighty-fourth
95 11 general assembly, 2011 session, that redesigns the mental
95 12 health delivery system in the state.
95 13 c. The entity certified to implement the pilot project shall
95 14 report to the joint appropriations subcommittee for health and
95 15 human services during the 2012 legislative session detailing
95 16 the progress and expected outcomes of the pilot project.
95 17 Sec. 72. EMERGENCY RULES. For purposes of the initial
95 18 rules to implement the provisions of section 16.185, as enacted
95 19 by this division of this Act, the Iowa finance authority may
95 20 adopt administrative rules under section 17A.4, subsection
95 21 3, and section 17A.5, subsection 2, paragraph "b", to
95 22 implement the provisions and the rules shall become effective
95 23 immediately upon filing or on a later effective date specified
95 24 in the rules, unless the effective date is delayed by the
95 25 administrative rules review committee. Any rules adopted in
95 26 accordance with this section shall not take effect before
95 27 the rules are reviewed by the administrative rules review
95 28 committee. The delay authority provided to the administrative
95 29 rules review committee under section 17A.4, subsection 7, and
95 30 section 17A.8, subsection 9, shall be applicable to a delay
95 31 imposed under this section, notwithstanding a provision in
95 32 those sections making them inapplicable to section 17A.5,
95 33 subsection 2, paragraph "b". Any rules adopted in accordance
95 34 with the provisions of this section shall also be published as
95 35 a notice of intended action as provided in section 17A.4.



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96 1 Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
96 2 APPLICABILITY. Except as otherwise provided by this division
96 3 of this Act, this division of this Act, being deemed of
96 4 immediate importance, takes effect upon enactment and if
96 5 approved by the governor on or after July 1, 2011, applies
96 6 retroactively to June 30, 2011.

96 7 Sec. 74. RETROACTIVE APPLICABILITY. The section of this
96 8 division of this Act addressing child welfare and juvenile
96 9 justice funding decategorization initiative project funding for
96 10 the period beginning June 1, 2010, and ending June 30, 2012,
96 11 applies retroactively to June 1, 2010.

96 12 Sec. 75. RETROACTIVE APPLICABILITY. The section of
96 13 this division of this Act amending section 35A.8A, applies
96 14 retroactively to July 1, 2010.

96 15 Sec. 76. RETROACTIVE APPLICABILITY. The section of this
96 16 division of this Act making transfers between appropriations
96 17 made to the department of human services for state institutions
96 18 in 2010 Iowa Acts, chapter 1192, applies retroactively to
96 19 January 1, 2011.

96 20 DIVISION VIII

96 21 PREVENTION AND CHRONIC CARE MANAGEMENT

96 22 Sec. 77. Section 135.159, subsection 10, Code 2011, is
96 23 amended to read as follows:

96 24 10. The department shall integrate the recommendations
96 25 and policies developed ~~by the prevention and chronic care~~
~~96 26 management advisory council~~ pursuant to section 135.161, Code
96 27 2011, into the medical home system and shall incorporate the
96 28 development and implementation of the state initiative for
96 29 prevention and chronic care management as developed pursuant to
96 30 section 135.161, Code 2011, into the duties of the medical home
96 31 system advisory council beginning January 1, 2012.

96 32 Sec. 78. Section 135.162, subsections 1 and 3, Code 2011,
96 33 are amended to read as follows:

96 34 1. The director shall convene a clinicians advisory panel to
96 35 advise and recommend to the department clinically appropriate,



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97 1 evidence-based best practices regarding the implementation
97 2 of the medical home as defined in section 135.157 ~~and the~~
~~97 3 prevention and chronic care management initiative pursuant to~~
~~97 4 section 135.161.~~ The director shall act as chairperson of the
97 5 advisory panel.
97 6 3. The clinicians advisory panel shall meet on a quarterly
97 7 basis to receive updates from the director regarding strategic
97 8 planning and implementation progress on the medical home ~~and~~
~~97 9 the prevention and chronic care management initiative~~ and shall
97 10 provide clinical consultation to the department regarding the
97 11 medical home ~~and the initiative.~~
97 12 Sec. 79. Section 136.3, subsection 14, Code 2011, is amended
97 13 to read as follows:
97 14 14. Perform those duties authorized pursuant to sections
97 15 135.156, ~~and 135.159, and 135.161,~~ and other provisions of law.
97 16 Sec. 80. REPEAL. Section 135.161, Code 2011, is repealed.
97 17 Sec. 81. EFFECTIVE DATE. This division of this Act takes
97 18 effect December 31, 2011.
97 19 DIVISION IX
97 20 MISCELLANEOUS
97 21 Sec. 82. Section 29C.20B, Code 2011, is amended to read as
97 22 follows:
97 23 29C.20B Disaster case management.
97 24 1. The ~~rebuild Iowa office~~ homeland security and emergency
97 25 management division shall work with the department of
97 26 human services and nonprofit, voluntary, and faith-based
97 27 organizations active in disaster recovery and response
97 28 in coordination with ~~the homeland security and emergency~~
~~97 29 management division~~ the department of human services to
97 30 establish a statewide system of disaster case management
97 31 to be activated following the governor's proclamation of a
97 32 disaster emergency or the declaration of a major disaster by
97 33 the president of the United States for individual assistance
97 34 purposes. Under the system, the ~~department of human services~~
~~97 35~~ homeland security and emergency management division shall



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98 1 coordinate case management services locally through local
98 2 committees as established in each local emergency management
98 3 commission's emergency plan. ~~Beginning July 1, 2011, the~~
~~98 4 department of human services shall assume the duties of the~~
~~98 5 rebuild Iowa office under this subsection.~~
98 6 2. ~~The department of human services~~ homeland security
98 7 and emergency management division, in conjunction with the
~~98 8 rebuild Iowa office, the homeland security and emergency~~
~~98 9 management division~~ department of human services, and an
98 10 Iowa representative to the national voluntary organizations
98 11 active in disaster, shall adopt rules pursuant to chapter
98 12 17A to create coordination mechanisms and standards for the
98 13 establishment and implementation of a statewide system of
98 14 disaster case management which shall include at least all of
98 15 the following:
98 16 a. Disaster case management standards.
98 17 b. Disaster case management policies.
98 18 c. Reporting requirements.
98 19 d. Eligibility criteria.
98 20 e. Coordination mechanisms necessary to carry out the
98 21 services provided.
98 22 f. Develop formal working relationships with agencies and
98 23 create interagency agreements for those considered to provide
98 24 disaster case management services.
98 25 g. Coordination of all available services for individuals
98 26 from multiple agencies.
98 27 Sec. 83. Section 135.106, Code 2011, is amended by adding
98 28 the following new subsection:
98 29 NEW SUBSECTION. 4. It is the intent of the general
98 30 assembly that priority for home visitation funding be given to
98 31 approaches using evidence-based or promising models for home
98 32 visitation.
98 33 Sec. 84. Section 135H.6, subsection 8, Code 2011, is amended
98 34 to read as follows:
98 35 8. The department of human services may give approval to



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99 1 conversion of beds approved under subsection 6, to beds which
99 2 are specialized to provide substance abuse treatment. However,
99 3 the total number of beds approved under subsection 6 and this
99 4 subsection shall not exceed four hundred thirty. Conversion
99 5 of beds under this subsection shall not require a revision of
99 6 the certificate of need issued for the psychiatric institution
99 7 making the conversion. Beds for children who do not reside
99 8 in this state and whose service costs are not paid by public
99 9 funds in this state are not subject to the limitations on the
99 10 number of beds and certificate of need requirements otherwise
99 11 applicable under this section.

99 12 Sec. 85. Section 147.136, Code 2011, is amended to read as
99 13 follows:

99 14 147.136 Scope of recovery.

99 15 1. ~~In~~ Except as otherwise provided in subsection 2, in an
99 16 action for damages for personal injury against a physician and
99 17 surgeon, osteopathic physician and surgeon, dentist, podiatric
99 18 physician, optometrist, pharmacist, chiropractor, or nurse
99 19 licensed to practice that profession in this state, or against
99 20 a hospital licensed for operation in this state, based on the
99 21 alleged negligence of the practitioner in the practice of the
99 22 profession or occupation, or upon the alleged negligence of
99 23 the hospital in patient care, in which liability is admitted
99 24 or established, the damages awarded shall not include actual
99 25 economic losses incurred or to be incurred in the future by the
99 26 claimant by reason of the personal injury, including but not
99 27 limited to, the cost of reasonable and necessary medical care,
99 28 rehabilitation services, and custodial care, and the loss of
99 29 services and loss of earned income, to the extent that those
99 30 losses are replaced or are indemnified by insurance, or by
99 31 governmental, employment, or service benefit programs or from
99 32 any other source except the assets of the claimant or of the
99 33 members of the claimant's immediate family.

99 34 2. This section shall not bar recovery of economic losses
99 35 replaced or indemnified by any of the following:



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100 1 a. Benefits received under the medical assistance program
100 2 under chapter 249A.
100 3 b. The assets of the claimant or of the members of the
100 4 claimant's immediate family.
100 5 Sec. 86. Section 153.14, subsection 1, Code 2011, is amended
100 6 to read as follows:
100 7 1. Students of dentistry who practice dentistry upon
100 8 patients at clinics in connection with their regular course
100 9 of instruction at ~~the state~~ an accredited dental college,
100 10 students of dental hygiene who practice upon patients at
100 11 clinics in connection with their regular course of instruction
100 12 at state-approved schools, and students of dental assisting
100 13 who practice upon patients at clinics in connection with a
100 14 regular course of instruction determined by the board pursuant
100 15 to section 153.39.
100 16 Sec. 87. Section 154A.24, subsection 3, paragraph s, Code
100 17 2011, is amended by striking the paragraph.
100 18 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical collection and
100 19 disposal program ==== annual allocation.
100 20 Of the fees collected pursuant to sections 124.301 and
100 21 147.80 and chapter 155A by the board of pharmacy, and retained
100 22 by the board pursuant to section 147.82, not more than one
100 23 hundred twenty-five thousand dollars, may be allocated annually
100 24 by the board for administering the pharmaceutical collection
100 25 and disposal program originally established pursuant to 2009
100 26 Iowa Acts, chapter 175, section 9. The program shall provide
100 27 for the management and disposal of unused, excess, and expired
100 28 pharmaceuticals. The board of pharmacy may cooperate with the
100 29 Iowa pharmacy association and may consult with the department
100 30 and sanitary landfill operators in administering the program.
100 31 Sec. 89. Section 225B.8, Code 2011, is amended to read as
100 32 follows:
100 33 225B.8 Repeal.
100 34 This chapter is repealed July 1, ~~2011~~ 2012.
100 35 Sec. 90. Section 232.188, subsection 5, paragraph b,



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101 1 unnumbered paragraph 1, Code 2011, is amended to read as
101 2 follows:
101 3 Notwithstanding section 8.33, moneys designated for a
101 4 project's decategorization services funding pool that remain
101 5 unencumbered or unobligated at the close of the fiscal year
101 6 shall not revert but shall remain available for expenditure as
101 7 directed by the project's governance board for child welfare
101 8 and juvenile justice systems enhancements and other purposes of
101 9 the project ~~until the close of the succeeding fiscal year and~~
~~101 10 for the next two succeeding fiscal years.~~ Such moneys shall be
101 11 known as "carryover funding". Moneys may be made available to a
101 12 funding pool from one or more of the following sources:
101 13 Sec. 91. Section 235B.19, Code 2011, is amended by adding
101 14 the following new subsection:
101 15 NEW SUBSECTION. 2A. a. The department shall serve a copy
101 16 of the petition and any order authorizing protective services,
101 17 if issued, on the dependent adult and on persons who are
101 18 competent adults and reasonably ascertainable at the time the
101 19 petition is filed in accordance with the following priority:
101 20 (1) An attorney in fact named by the dependent adult in a
101 21 durable power of attorney for health care pursuant to chapter
101 22 144B.
101 23 (2) The dependent adult's spouse.
101 24 (3) The dependent adult's children.
101 25 (4) The dependent adult's grandchildren.
101 26 (5) The dependent adult's siblings.
101 27 (6) The dependent adult's aunts and uncles.
101 28 (7) The dependent adult's nieces and nephews.
101 29 (8) The dependent adult's cousins.
101 30 b. When the department has served a person in one of the
101 31 categories specified in paragraph "a", the department shall not
101 32 be required to serve a person in any other category.
101 33 c. The department shall serve the dependent adult's copy
101 34 of the petition and order personally upon the dependent
101 35 adult. Service of the petition and all other orders and



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102 1 notices shall be in a sealed envelope with the proper postage
102 2 on the envelope, addressed to the person being served at the
102 3 person's last known post office address, and deposited in a
102 4 mail receptacle provided by the United States postal service.
102 5 The department shall serve such copies of emergency orders
102 6 authorizing protective services and notices within three days
102 7 after filing the petition and receiving such orders.

102 8 d. The department and all persons served by the department
102 9 with notices under this subsection shall be prohibited from
102 10 all of the following without prior court approval after the
102 11 department's petition has been filed:

102 12 (1) Selling, removing, or otherwise disposing of the
102 13 dependent adult's personal property.

102 14 (2) Withdrawing funds from any bank, savings and loan
102 15 association, credit union, or other financial institution, or
102 16 from an account containing securities in which the dependent
102 17 adult has an interest.

102 18 Sec. 92. Section 237A.1, subsection 3, paragraph n, Code
102 19 2011, is amended to read as follows:

102 20 n. A program offered to a child whose parent, guardian,
102 21 or custodian is engaged solely in a recreational or social
102 22 activity, remains immediately available and accessible on the
102 23 physical premises on which the child's care is provided, and
102 24 does not engage in employment while the care is provided.
102 25 However, if the recreational or social activity is provided in
102 26 a fitness center or on the premises of a nonprofit organization
102 27 the parent, guardian, or custodian of the child may be employed
102 28 to teach or lead the activity.

102 29 Sec. 93. Section 249A.4B, subsection 2, paragraph a,
102 30 subparagraph (18), Code 2011, is amended to read as follows:

102 31 (18) The ~~Iowa/Nebraska~~ Iowa primary care association.

102 32 Sec. 94. REPEAL. Section 135.27A, Code 2011, is repealed
102 33 December 31, 2011.

102 34 DIVISION X
102 35 MEDICAID PRESCRIPTION DRUGS



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103 1 Sec. 95. Section 249A.20A, subsection 4, Code 2011, is
103 2 amended to read as follows:
103 3 4. With the exception of drugs prescribed for the treatment
103 4 of human immunodeficiency virus or acquired immune deficiency
103 5 syndrome, transplantation, or cancer and drugs prescribed
103 6 for mental illness with the exception of drugs and drug
103 7 compounds that do not have a significant variation in a
103 8 therapeutic profile or side effect profile within a therapeutic
103 9 class, prescribing and dispensing of prescription drugs not
103 10 included on the preferred drug list shall be subject to prior
103 11 authorization.

103 12 Sec. 96. 2010 Iowa Acts, chapter 1031, section 348, is
103 13 amended to read as follows:

103 14 SEC. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

103 15 ~~1. The department shall adopt rules pursuant to chapter 17A~~
103 16 ~~to restrict physicians and other prescribers to prescribing~~
103 17 ~~not more than a 72-hour or three-day supply of a prescription~~
103 18 ~~drug not included on the medical assistance preferred drug list~~
103 19 ~~while seeking approval to continue prescribing the medication.~~

103 20 ~~2. Notwithstanding subsection 1, the department shall~~
103 21 ~~adopt rules pursuant to chapter 17A to restrict a physician or~~
103 22 ~~other prescriber prescribing a chemically unique mental health~~
103 23 ~~prescription drug to prescribing not more than a seven-day~~
103 24 ~~supply of the prescription drug while requesting approval to~~
103 25 ~~continue to prescribe the medication. The rules shall provide~~
103 26 ~~that if an approval or disapproval is not received by the~~
103 27 ~~physician or other prescriber within 48 hours of the request,~~
103 28 ~~the request is deemed approved.~~

103 29 Sec. 97. REPEAL. 2010 Iowa Acts, chapter 1031, section 349,
103 30 is repealed.

103 31 Sec. 98. RESCINDING AND ADOPTION OF RULES. The department
103 32 of human services shall rescind the rules adopted pursuant
103 33 to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031,
103 34 section 348, subsection 2, and chapter 1031, section 349,
103 35 and shall instead adopt emergency rules under section 17A.4,



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104 1 subsection 3, and section 17A.5, subsection 2, paragraph "b",
104 2 to implement section 249A.20A, as amended in this division of
104 3 this Act, and the rules shall be effective immediately upon
104 4 filing and retroactively applicable to January 1, 2011, unless
104 5 a later date is specified in the rules. Any rules adopted
104 6 in accordance with this section shall also be published as a
104 7 notice of intended action as provided in section 17A.4.

104 8 Sec. 99. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
104 9 APPLICABILITY. This division of this Act, being deemed of
104 10 immediate importance, takes effect upon enactment and applies
104 11 retroactively to January 1, 2011.

104 12 DIVISION XI

104 13 IOWA FALSE CLAIMS ACT

104 14 Sec. 100. Section 685.1, subsection 11, Code 2011, is
104 15 amended to read as follows:

104 16 11. "Original source" means an individual who ~~has direct and~~
104 17 ~~independent~~ prior to a public disclosure under section 685.3,
104 18 subsection 5, paragraph "c", has voluntarily disclosed to the
104 19 state the information on which the allegations or transactions
104 20 in a claim are based; or who has knowledge of the information
104 21 ~~on which the allegations are based that is independent of~~
104 22 ~~and materially adds to the publicly disclosed allegations or~~
104 23 ~~transactions, and has voluntarily provided the information to~~
104 24 ~~the state before filing an action under section 685.3 which is~~
104 25 ~~based on the information this chapter.~~

104 26 Sec. 101. Section 685.1, Code 2011, is amended by adding the
104 27 following new subsection:

104 28 NEW SUBSECTION. 15. "State" means the state of Iowa.

104 29 Sec. 102. Section 685.2, subsection 1, unnumbered paragraph
104 30 1, Code 2011, is amended to read as follows:

104 31 A person who commits any of the following acts is jointly
104 32 and severally liable to the state for a civil penalty of not
104 33 less than ~~five thousand dollars~~ and not more than ~~ten thousand~~
104 34 ~~dollars~~ the civil penalty allowed under the federal False
104 35 Claims Act, as codified in 31 U.S.C. { 3729 et seq., as may be



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105 1 adjusted in accordance with the inflation adjustment procedures
105 2 prescribed in the federal Civil Penalties Inflation Adjustment
105 3 Act of 1990, Pub. L. No. 101=410, for each false or fraudulent
105 4 claim, plus three times the amount of damages which the state
105 5 sustains ~~because of the act of that person:~~
105 6 Sec. 103. Section 685.3, subsection 5, paragraph c, Code
105 7 2011, is amended by striking the paragraph and inserting in
105 8 lieu thereof the following:
105 9 c. A court shall dismiss an action or claim under this
105 10 section, unless opposed by the state, if substantially the
105 11 same allegations or transactions as alleged in the action or
105 12 claim were publicly disclosed in a state criminal, civil, or
105 13 administrative hearing in which the state or an agent of the
105 14 state is a party; in a state legislative, state auditor, or
105 15 other state report, hearing, audit, or investigation; or by
105 16 the news media, unless the action is brought by the attorney
105 17 general or the qui tam plaintiff is an original source of the
105 18 information.
105 19 Sec. 104. Section 685.3, subsection 6, Code 2011, is amended
105 20 to read as follows:
105 21 6. a. Any employee, contractor, or agent ~~who~~ shall be
105 22 entitled to all relief necessary to make that employee,
105 23 contractor, or agent whole, if that employee, contractor, or
105 24 agent is discharged, demoted, suspended, threatened, harassed,
105 25 or in any other manner discriminated against in the terms and
105 26 conditions of employment because of lawful acts ~~performed~~
~~105 27 done by the employee, contractor, or agent on behalf of~~
~~105 28 the employee, contractor, or agent or associated others in~~
105 29 furtherance of an action under this section or other efforts
105 30 to stop a violation one or more violations of this chapter,
~~105 31 shall be entitled to all relief necessary to make the employee,~~
~~105 32 contractor, or agent whole. Such relief~~
105 33 b. Relief under paragraph "a" shall include reinstatement
105 34 with the same seniority status ~~such~~ that employee, contractor,
105 35 or agent would have had but for the discrimination, two



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106 1 times the amount of back pay, interest on the back pay, and
106 2 compensation for any special damages sustained as a result of
106 3 the discrimination, including litigation costs and reasonable
106 4 attorney fees. ~~An employee, contractor, or agent may bring an~~
106 5 action under this subsection may be brought in the appropriate
106 6 district court of the state for the relief provided in this
106 7 subsection.
106 8 c. A civil action under this subsection shall not be brought
106 9 more than three years after the date when the retaliation
106 10 occurred.

DIVISION XII

VOLUNTEER HEALTH CARE PROVIDER PROGRAM

106 13 Sec. 105. Section 135.24, subsection 2, paragraphs b and c,
106 14 Code 2011, are amended to read as follows:

106 15 b. Procedures for registration of hospitals, free clinics,
106 16 field dental clinics, and specialty health care provider
106 17 offices.

106 18 c. Criteria for and identification of hospitals, clinics,
106 19 free clinics, field dental clinics, specialty health care
106 20 provider offices, or other health care facilities, health
106 21 care referral programs, or charitable organizations,
106 22 eligible to participate in the provision of free medical,
106 23 dental, chiropractic, pharmaceutical, nursing, optometric,
106 24 psychological, social work, behavioral science, podiatric,
106 25 physical therapy, occupational therapy, respiratory therapy,
106 26 or emergency medical care services through the volunteer
106 27 health care provider program. A hospital, a clinic, a
106 28 free clinic, a field dental clinic, a specialty health care
106 29 provider office, a health care facility, a health care referral
106 30 program, a charitable organization, or a health care provider
106 31 participating in the program shall not bill or charge a
106 32 patient for any health care provider service provided under the
106 33 volunteer health care provider program.

106 34 Sec. 106. Section 135.24, Code 2011, is amended by adding
106 35 the following new subsection:



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107 1 NEW SUBSECTION. 6A. A hospital providing free care under
107 2 this section shall be considered a state agency solely for
107 3 the purposes of this section and chapter 669 and shall be
107 4 afforded protection under chapter 669 as a state agency for
107 5 all claims arising from the provision of free care by a health
107 6 care provider registered under subsection 3 who is providing
107 7 services at the hospital in accordance with this section, if
107 8 the hospital has registered with the department pursuant to
107 9 subsection 1.

107 10 Sec. 107. Section 135.24, subsection 7, Code 2011, is
107 11 amended by adding the following new paragraph:

107 12 NEW PARAGRAPH. 0e. "Hospital" means hospital as defined in
107 13 section 135B.1.

DIVISION XIII

HEALTH CARE COST CONTAINMENT

107 16 Sec. 108. ALL=PAYER CLAIMS DATABASE PLAN. The department of
107 17 human services shall develop a plan to establish an all=payer
107 18 claims database to provide for the collection and analysis of
107 19 claims data from multiple payers of health care. The plan
107 20 shall establish the goals of the database which may include
107 21 but are not limited to determining health care utilization
107 22 patterns and rates; identifying gaps in prevention and health
107 23 promotion services; evaluating access to care; assisting with
107 24 benefit design and planning; analyzing statewide and local
107 25 health care expenditures by provider, employer, and geography;
107 26 informing the development of payment systems for providers; and
107 27 establishing clinical guidelines related to quality, safety,
107 28 and continuity of care. The plan shall identify a standard
107 29 means of data collection, statutory changes necessary to the
107 30 collection and use of the data, and the types of claims for
107 31 which collection of data is required which may include but are
107 32 not limited to eligibility data; provider information; medical
107 33 data; private and public medical, pharmacy, and dental claims
107 34 data; and other appropriate data. The plan shall also include
107 35 an implementation and maintenance schedule including a proposed



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108 1 budget and funding plan and vision for the future.
108 2 Sec. 109. PROVIDER PAYMENT SYSTEM PLAN ==== PILOT
108 3 PROJECT. The department of human services shall develop a
108 4 provider payment system plan to provide recommendations to
108 5 reform the health care provider payment system as an effective
108 6 way to promote coordination of care, lower costs, and improve
108 7 quality. The plan shall provide analysis and recommendations
108 8 regarding but not limited to accountable care organizations, a
108 9 global payment system, or an episode of care payment system.
108 10 Sec. 110. EFFECTIVE UPON ENACTMENT. This division of this
108 11 Act, being deemed of immediate importance, takes effect upon
108 12 enactment.

DIVISION XIV

HEALTH INFORMATION TECHNOLOGY

108 15 Sec. 111. NEW SECTION. 135D.1 Findings and intent.
108 16 1. The general assembly finds all of the following:
108 17 a. Technology used to support health-related functions is
108 18 widely known as health information technology. Electronic
108 19 health records are used to collect and store relevant patient
108 20 health information. Electronic health records serve as a means
108 21 of bringing evidence-based knowledge resources and patient
108 22 information to the point of care to support better decision
108 23 making and more efficient care processes.
108 24 b. Health information technology allows for comprehensive
108 25 management of health information and its secure electronic
108 26 exchange between providers, public health agencies, payers,
108 27 and consumers. Broad use of health information technology
108 28 should improve health care quality and the overall health of
108 29 the population, increase efficiencies in administrative health
108 30 care, reduce unnecessary health care costs, and help prevent
108 31 medical errors.
108 32 c. Health information technology provides a mechanism to
108 33 transform the delivery of health and medical care in Iowa and
108 34 across the nation.
108 35 2. It is the intent of the general assembly to use health



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109 1 information technology as a catalyst to achieve a healthier
109 2 Iowa through the electronic sharing of health information. A
109 3 health information network involves sharing health information
109 4 across the boundaries of individual practice and institutional
109 5 health settings and with consumers. The result is a public
109 6 good that will contribute to improved clinical outcomes and
109 7 patient safety, population health, access to and quality of
109 8 health care, and efficiency in health care delivery.
109 9 3. It is the intent of the general assembly that the health
109 10 information network shall not constitute a health benefit
109 11 exchange or a health insurance exchange.
109 12 Sec. 112. NEW SECTION. 135D.2 Definitions.
109 13 For the purposes of this chapter, unless the context
109 14 otherwise requires:
109 15 1. "Authorized" means having met the requirements as a
109 16 participant for access to the health information network.
109 17 2. "Board" means the board of directors of Iowa e=health.
109 18 3. "Consumers" means people who acquire and use goods and
109 19 services for personal need.
109 20 4. "Continuity of care document" means a summary of a
109 21 patient's health information for each visit to a provider to be
109 22 delivered through the health information network.
109 23 5. "Department" means the department of public health.
109 24 6. "Deputy director" means the deputy director of public
109 25 health.
109 26 7. "Director" means the director of public health.
109 27 8. "Exchange" means the authorized electronic sharing
109 28 of health information between providers, payers, consumers,
109 29 public health agencies, the department, and other authorized
109 30 participants utilizing the health information network and
109 31 health information network services.
109 32 9. "Executive director" means the executive director of the
109 33 office of health information technology.
109 34 10. "Health information" means any information, in any
109 35 form or medium, that is created, transmitted, or received



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110 1 by a provider, payer, consumer, public health agency, the
110 2 department, or other authorized participant, which relates
110 3 to the past, present, or future physical or mental health or
110 4 condition of an individual; the provision of health care to an
110 5 individual; or the past, present, or future payment for the
110 6 provision of health care to an individual.
110 7 11. "Health information network" means the exclusive
110 8 statewide electronic health information network.
110 9 12. "Health information network services" means the
110 10 exchanging of health information via the health information
110 11 network; education and outreach to support connection and
110 12 access to and use of the health information network; and all
110 13 other activities related to the electronic exchange of health
110 14 information.
110 15 13. "Health Insurance Portability and Accountability
110 16 Act" means the federal Health Insurance Portability and
110 17 Accountability Act of 1996, Pub. L. No. 104=191, including
110 18 amendments thereto and regulations promulgated thereunder.
110 19 14. "Infrastructure" means technology including
110 20 architecture, hardware, software, networks, terminology and
110 21 standards, and policies and procedures governing the electronic
110 22 exchange of health information.
110 23 15. "Iowa e=health" means the collaboration between the
110 24 department and other public and private stakeholders to
110 25 establish, operate, and sustain an exclusive statewide health
110 26 information network.
110 27 16. "Iowa Medicaid enterprise" means Iowa medicaid
110 28 enterprise as defined in section 249J.3.
110 29 17. "Local board of health" means a city, county, or
110 30 district board of health.
110 31 18. "Office" means the office of health information
110 32 technology within the department.
110 33 19. "Participant" means an authorized provider, payer,
110 34 patient, public health agency, the department, or other
110 35 authorized person that has voluntarily agreed to authorize,



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111 1 submit, access, and disclose health information through the
111 2 health information network in accordance with this chapter
111 3 and all applicable laws, rules, agreements, policies, and
111 4 procedures.

111 5 20. "Participation and data sharing agreement" means
111 6 the agreement outlining the terms of access and use for
111 7 participation in the health information network.

111 8 21. "Patient" means a person who has received or is
111 9 receiving health services from a provider.

111 10 22. "Payer" means a person who makes payments for health
111 11 services, including but not limited to an insurance company,
111 12 self=insured employer, government program, individual, or other
111 13 purchaser that makes such payments.

111 14 23. "Protected health information" means individually
111 15 identifiable patient information, including demographic
111 16 information, related to the past, present, or future health
111 17 or condition of a person; the provision of health care to
111 18 a person; or the past, present, or future payment for such
111 19 health care; which is created, transmitted, or received by a
111 20 participant. "Protected health information" does not include
111 21 education and other records that are covered under the federal
111 22 Family Educational Rights and Privacy Act of 1974, as codified
111 23 at 20 U.S.C. 1232g, as amended; or any employment records
111 24 maintained by a covered entity, as defined under the Health
111 25 Insurance Portability and Accountability Act, in its role as
111 26 an employer.

111 27 24. "Provider" means a hospital, physician clinic, pharmacy,
111 28 laboratory, health service provider, or other person that is
111 29 licensed, certified, or otherwise authorized or permitted
111 30 by law to administer health care in the ordinary course of
111 31 business or in the practice of a profession, or any other
111 32 person or organization that furnishes, bills, or is paid for
111 33 health care in the normal course of business.

111 34 25. "Public health agency" means an entity that is governed
111 35 by or contractually responsible to a local board of health or



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112 1 the department to provide services focused on the health status
112 2 of population groups and their environments.
112 3 26. "Purchaser" means any individual, employer, or
112 4 organization that purchases health insurance or services and
112 5 includes intermediaries.
112 6 27. "Vendor" means a person or organization that provides
112 7 or proposes to provide goods or services to the department
112 8 pursuant to a contract, but does not include an employee of the
112 9 state, a retailer, or a state agency or instrumentality.
112 10 Sec. 113. NEW SECTION. 135D.3 Iowa e=health established ====
112 11 guiding principles, goals, domains.
112 12 1. Iowa e=health is established as a public=private,
112 13 multi=stakeholder collaborative. The purpose of Iowa e=health
112 14 is to develop, administer, and sustain the health information
112 15 network to improve the quality, safety, and efficiency of
112 16 health care available to Iowans.
112 17 2. Iowa e=health shall manage and operate the health
112 18 information network. Nothing in this chapter shall be
112 19 interpreted to impede or preclude the formation and operation
112 20 of regional, population=specific, or local health information
112 21 networks or their participation in the health information
112 22 network.
112 23 3. Iowa e=health shall facilitate the exchange of health
112 24 information for prevention and treatment purposes to help
112 25 providers make the best health care decisions for patients and
112 26 to provide patients with continuity of care regardless of the
112 27 provider the patient visits.
112 28 4. The guiding principles of Iowa e=health include all of
112 29 the following:
112 30 a. To engage in a collaborative, public=private,
112 31 multi=stakeholder effort including providers, payers,
112 32 purchasers, governmental entities, educational institutions,
112 33 and consumers.
112 34 b. To create a sustainable health information network which
112 35 makes information available when and where it is needed.



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113 1 c. To ensure the health information network incorporates
113 2 provider priorities and appropriate participant education.
113 3 d. To instill confidence in consumers that their health
113 4 information is secure, private, and accessed appropriately.
113 5 e. To build on smart practices and align with federal
113 6 standards to ensure interoperability within and beyond the
113 7 state.
113 8 5. The goals of Iowa e=health include all of the following:
113 9 a. To build awareness and trust of health information
113 10 technology through communication and outreach to providers and
113 11 consumers.
113 12 b. To safeguard privacy and security of health information
113 13 shared electronically between participants through the health
113 14 information network so that the health information is secure,
113 15 private, and accessed only by authorized individuals and
113 16 entities.
113 17 c. To promote statewide deployment and use of electronic
113 18 health records.
113 19 d. To enable the electronic exchange of health information.
113 20 e. To advance coordination of activities across state and
113 21 federal governments.
113 22 f. To establish a governance model for the health
113 23 information network.
113 24 g. To establish sustainable business and technical
113 25 operations for the health information exchange.
113 26 h. To secure financial resources to develop and sustain the
113 27 health information network.
113 28 i. To monitor and evaluate health information technology
113 29 progress and outcomes.
113 30 6. Iowa e=health shall include the following five domains:
113 31 a. Governance. Iowa e=health shall be governed by a board
113 32 of directors whose members represent stakeholders such as
113 33 provider organizations and associations, providers, payers,
113 34 purchasers, governmental entities, business, and consumers.
113 35 Iowa e=health shall be supported by the department's office of



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114 1 health information technology. The board shall set direction,
114 2 goals, and policies for Iowa e=health and provide oversight of
114 3 the business and technical operations of the health information
114 4 network and health information network services.

114 5 b. Business and technical operations. The office of health
114 6 information technology shall perform day=to=day operations
114 7 to support and advance Iowa e=health, the health information
114 8 network, and health information network services.

114 9 c. Finance. Iowa e=health shall identify and manage
114 10 financial resources to achieve short=term and long=term
114 11 sustainability of the health information network. The health
114 12 information network shall be financed by participants based on
114 13 a business model and financial sustainability plan approved by
114 14 the board no later than December 31, 2011, and submitted to
114 15 the governor and the general assembly. The model and plan may
114 16 contemplate participant fees based on value=based principles.
114 17 Fees shall not be assessed to participants prior to approval by
114 18 the board and an enactment of the general assembly establishing
114 19 such fees.

114 20 d. Technical infrastructure. Iowa e=health shall implement
114 21 and manage the core infrastructure and standards to enable the
114 22 safe and secure delivery of health information to providers and
114 23 consumers through the health information network.

114 24 e. Legal and policy. Iowa e=health shall establish privacy
114 25 and security policies and guidelines, and participation and
114 26 data sharing agreements, to protect consumers and enforce rules
114 27 for utilization of the health information network.

114 28 Sec. 114. NEW SECTION. 135D.4 Governance ==== board of
114 29 directors ==== advisory council.

114 30 1. Iowa e=health shall be governed by a board of directors.
114 31 Board members shall be residents of the state of Iowa. The
114 32 membership of the board shall comply with sections 69.16 and
114 33 69.16A.

114 34 2. The board of directors shall be comprised of the
114 35 following members:



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115 1 a. The board shall include all of the following as voting
115 2 members:
115 3 (1) Two members who represent the Iowa collaborative safety
115 4 net provider network created in section 135.153, designated by
115 5 the network.
115 6 (2) Four members who represent hospitals, two of whom are
115 7 designated by the two largest health care systems in the state,
115 8 one of whom is designated by the university of Iowa hospitals
115 9 and clinics, and one of whom is designated by the Iowa hospital
115 10 association to represent critical access hospitals.
115 11 (3) Two members who represent two different private health
115 12 insurance carriers, designated by the federation of Iowa
115 13 insurers, one of which has the largest health market share in
115 14 Iowa.
115 15 (4) One member who is a licensed physician, designated by
115 16 the Iowa medical society.
115 17 (5) One member representing the department who is
115 18 designated by the department.
115 19 (6) One member representing the Iowa Medicaid enterprise
115 20 who is the Iowa Medicaid director, or the director's designee.
115 21 b. The board shall include as ex officio, nonvoting members
115 22 four members of the general assembly, one appointed by the
115 23 speaker of the house of representatives, one appointed by the
115 24 minority leader of the house of representatives, one appointed
115 25 by the majority leader of the senate, and one appointed by the
115 26 minority leader of the senate.
115 27 3. A person shall not serve on the board in any capacity if
115 28 the person is required to register as a lobbyist under section
115 29 68B.36 because of the person's activities for compensation
115 30 on behalf of a profession or an entity that is engaged in
115 31 providing health care, reviewing or analyzing health care,
115 32 paying for health care services or procedures, or providing
115 33 health information technology or health information network
115 34 services.
115 35 4. a. Board members shall serve four=year terms but shall



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116 1 not serve more than two consecutive four-year terms. However,
116 2 the board members who represent state agencies are not subject
116 3 to term limits.

116 4 b. At the end of any term, a member of the board may
116 5 continue to serve until the appointing or designating authority
116 6 names a successor.

116 7 c. A vacancy on the board shall be filled for the remainder
116 8 of the term in the manner of the original appointment. A
116 9 vacancy in the membership of the board shall not impair the
116 10 right of the remaining members to exercise all the powers and
116 11 perform all the duties of the board.

116 12 d. A board member may be removed by the board for cause
116 13 including but not limited to malfeasance in office, failure
116 14 to attend board meetings, misconduct, or violation of ethical
116 15 rules and standards. Nonattendance of the board members
116 16 appointed by the governor shall be governed by the provisions
116 17 of section 69.15. A board member may be removed by a vote of
116 18 the board if, based on the criteria provided in section 69.15,
116 19 subsection 1, paragraphs "a" and "b", the board member would be
116 20 deemed to have submitted a resignation from the board.

116 21 e. The board members shall elect a chairperson from their
116 22 membership. The department's designee shall serve as vice
116 23 chairperson.

116 24 5. Meetings of the board shall be governed by the provisions
116 25 of chapter 21.

116 26 a. The board shall meet upon the call of the chairperson
116 27 or the vice chairperson. Notice of the time and place of each
116 28 board meeting shall be given to each member. The board shall
116 29 keep accurate and complete records of all of its meetings.

116 30 b. A simple majority of the members shall constitute a
116 31 quorum to enable the transaction of any business and for the
116 32 exercise of any power or function of the board. Action may be
116 33 taken and motions and resolutions adopted by the affirmative
116 34 vote of a majority of the members attending the meeting whether
116 35 in person, by telephone, web conference, or other means. A



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117 1 board member shall not vote by proxy or through a delegate.
117 2 c. Public members of the board shall receive reimbursement
117 3 for actual expenses incurred while serving in their official
117 4 capacity, only if they are not eligible for reimbursement by
117 5 the organization that they represent. A person who serves as a
117 6 member of the board shall not by reason of such membership be
117 7 entitled to membership in the Iowa public employees' retirement
117 8 system or service credit for any public retirement system.
117 9 6. The board may exercise its powers, duties, and functions
117 10 as provided in this chapter and as prescribed by law. The
117 11 director and the board shall ensure that matters under the
117 12 purview of the board are carried out in a manner that does not
117 13 violate or risk violation of applicable state or federal laws
117 14 or regulations, and that supports overriding public policy and
117 15 public safety concerns, fiscal compliance, and compliance with
117 16 the office of the national coordinator for health information
117 17 technology state health information exchange cooperative
117 18 agreement program or any other cooperative agreement programs
117 19 or grants supporting Iowa e=health. The board shall do all of
117 20 the following:
117 21 a. Participate in the selection of the executive director
117 22 and assist in the development of performance standards and
117 23 evaluations of the executive director.
117 24 b. Establish priorities among health information network
117 25 services based on the needs of the population of this state.
117 26 c. Oversee the handling and accounting of assets and moneys
117 27 received for or generated by the health information network.
117 28 d. Establish committees and workgroups as needed.
117 29 e. Review and approve or disapprove all of the following,
117 30 as proposed by the department:
117 31 (1) Strategic, operational, and financial sustainability
117 32 plans for Iowa e=health, the health information network, and
117 33 health information network services.
117 34 (2) Standards, requirements, policies, and procedures for
117 35 access, use, secondary use, and privacy and security of health



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118 1 information network through the health information exchange,
118 2 consistent with applicable federal and state standards and
118 3 laws.
118 4 (3) Policies and procedures for administering the
118 5 infrastructure, technology, and associated professional
118 6 services necessary for the business and technical operation of
118 7 the health information network and health information network
118 8 services.
118 9 (4) Policies and procedures for evaluation of the health
118 10 information network and health information network services.
118 11 (5) Mechanisms for periodic review and update of policies
118 12 and procedures.
118 13 (6) An annual budget and fiscal report for the operations of
118 14 the health information network and an annual report for Iowa
118 15 e=health and health information network services.
118 16 (7) Major purchases of goods and services.
118 17 f. Adopt administrative rules pursuant to chapter 17A
118 18 to implement this chapter and relating to the management
118 19 and operation of the health information network and health
118 20 information network services.
118 21 g. Adopt rules for monitoring access to and use of
118 22 the health information network and enforcement of health
118 23 information network rules, standards, requirements, policies,
118 24 and procedures. The board may suspend, limit, or terminate a
118 25 participant's utilization of the health information network for
118 26 violation of such rules, standards, requirements, policies,
118 27 or procedures, and shall establish, by rule, a process for
118 28 notification, right to respond, and appeal relative to such
118 29 violations.
118 30 h. Have all remedies allowed by law to address any violation
118 31 of the terms of the participation and data sharing agreement.
118 32 i. Perform any and all other activities in furtherance of
118 33 its purpose.
118 34 7. a. A board member is subject to chapter 68B, the rules
118 35 adopted by the Iowa ethics and campaign disclosure board, and



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119 1 the ethics rules and requirements that apply to the executive
119 2 branch of state government.
119 3 b. A board member shall not participate in any matter
119 4 before the board in which the board member has a direct or
119 5 indirect interest in an undertaking that places the board
119 6 member's personal or business interests in conflict with those
119 7 of Iowa e=health, including but not limited to an interest in
119 8 a procurement contract, or that may create the appearance of
119 9 impropriety.
119 10 8. Advisory council.
119 11 a. An advisory council to the board is established
119 12 to provide an additional mechanism for obtaining broader
119 13 stakeholder advice and input regarding health information
119 14 technology, the health information network, and health
119 15 information network services.
119 16 b. The advisory council shall be comprised of the following
119 17 members who shall serve two=year staggered terms:
119 18 (1) The following members designated as specified:
119 19 (a) One member who is a licensed practicing nurse in
119 20 an office or clinic setting, designated by the Iowa nurses
119 21 association.
119 22 (b) One member representing licensed pharmacists,
119 23 designated by the Iowa pharmacy association.
119 24 (c) One member representing the Iowa healthcare
119 25 collaborative, designated by the collaborative.
119 26 (d) One member representing substance abuse programs,
119 27 designated by the Iowa behavioral health association.
119 28 (e) One member representing community mental health
119 29 centers, designated by the Iowa association of community
119 30 providers.
119 31 (f) One member representing long=term care providers,
119 32 designated by the Iowa health care association/Iowa center for
119 33 assisted living and the Iowa association of homes and services
119 34 for the aging.
119 35 (g) One member representing licensed physicians, designated



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120 1 by the Iowa academy of family physicians.
120 2 (h) One member representing chiropractors, designated by
120 3 the Iowa chiropractic society.
120 4 (i) One member who is a practicing physician in an office
120 5 or clinic setting, designated by the Iowa osteopathic medical
120 6 association.
120 7 (j) One member representing business interests, designated
120 8 by the Iowa association of business and industry.
120 9 (2) The following members appointed by the board:
120 10 (a) One member representing the state board of health.
120 11 (b) One member representing academics.
120 12 (c) One member representing the Iowa Medicare quality
120 13 improvement organization.
120 14 (d) One member who is the state chief information officer.
120 15 (e) One member representing the private telecommunications
120 16 industry.
120 17 (f) One member representing Des Moines university.
120 18 (g) One member representing home health care providers.
120 19 (h) One member representing the department of veterans
120 20 affairs.
120 21 c. The board may change the membership and the composition
120 22 of the advisory council, by rule, to accommodate changes in
120 23 stakeholder interests and the evolution of health information
120 24 technology, the health information network, and health
120 25 information network services. An advisory council member may
120 26 be removed by a vote of the board if, based on the criteria
120 27 provided in section 69.15, subsection 1, paragraphs "a" and "b",
120 28 the advisory council member would be deemed to have submitted a
120 29 resignation from the advisory council.
120 30 Sec. 115. NEW SECTION. 135D.5 Business and technical
120 31 operations ==== office of health information technology.
120 32 1. The office of health information technology is
120 33 established within the department and shall be responsible for
120 34 the day=to=day business and operations of Iowa e=health, the
120 35 health information network, and health information network



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121 1 services. The office shall be under the direction of the
121 2 director and under the supervision of the deputy director.
121 3 2. a. The department shall employ an executive director to
121 4 manage the office and the executive director shall report to
121 5 the deputy director.
121 6 b. The executive director shall manage the planning and
121 7 implementation of Iowa e=health, the health information
121 8 network, and health information network services, and shall
121 9 provide high=level coordination across public and private
121 10 sector stakeholders.
121 11 c. The executive director shall serve as Iowa's health
121 12 information technology coordinator and primary point of
121 13 contact for the office of the national coordinator for health
121 14 information technology, other federal and state agencies
121 15 involved in health information technology, and state health
121 16 information technology coordinators from other states.
121 17 3. a. The executive director and all other employees of
121 18 the office shall be employees of the state, classified and
121 19 compensated in accordance with chapter 8A, subchapter IV, and
121 20 chapter 20.
121 21 b. Subject to approval of the board, the director shall
121 22 have the sole power to determine the number of full=time and
121 23 part=time equivalent positions necessary to carry out the
121 24 provisions of this chapter.
121 25 c. An employee of the office shall not have a financial
121 26 interest in any vendor doing business or proposing to do
121 27 business with Iowa e=health.
121 28 4. The department shall do all of the following:
121 29 a. Develop, implement, and enforce the following, as
121 30 approved by the board:
121 31 (1) Strategic, operational, and financial sustainability
121 32 plans for the health information network, Iowa e=health, and
121 33 health information network services.
121 34 (2) Standards, requirements, policies, and procedures for
121 35 access, use, secondary use, and privacy and security of health



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122 1 information exchanged through the health information network,
122 2 consistent with applicable federal and state standards and
122 3 laws.
122 4 (3) Policies and procedures for monitoring participant
122 5 usage of the health information network and health information
122 6 network services; enforcing noncompliance with health
122 7 information network standards, requirements, policies, rules,
122 8 and procedures.
122 9 (4) Policies and procedures for administering the
122 10 infrastructure, technology, and associated professional
122 11 services required for operation of the health information
122 12 network and health information network services.
122 13 (5) Policies and procedures for evaluation of the health
122 14 information network and health information network services.
122 15 (6) A mechanism for periodic review and update of policies
122 16 and procedures.
122 17 (7) An annual budget and fiscal report for the business
122 18 and technical operations of the health information network and
122 19 an annual report for Iowa e=health, the health information
122 20 network, and health information network services. The
122 21 department shall submit all such reports to the general
122 22 assembly.
122 23 b. Convene and facilitate board, advisory council,
122 24 workgroup, committee, and other stakeholder meetings.
122 25 c. Provide technical and operational assistance for
122 26 planning and implementing Iowa e=health activities, the health
122 27 information network, and health information network services.
122 28 d. Provide human resource, budgeting, project and
122 29 activity coordination, and related management functions to
122 30 Iowa e=health, the health information network, and health
122 31 information network services.
122 32 e. Develop educational materials and educate the general
122 33 public on the benefits of electronic health records, the health
122 34 information network, and the safeguards available to prevent
122 35 unauthorized disclosure of health information.



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123 1 f. Enter into participation and data sharing agreements with
123 2 participants of the health information network.
123 3 g. Record receipts and approval of payments, and file
123 4 required financial reports.
123 5 h. Apply for, acquire by gift or purchase, and hold,
123 6 dispense, or dispose of funds and real or personal property
123 7 from any person, governmental entity, or organization in
123 8 the exercise of its powers and performance of its duties in
123 9 accordance with this chapter.
123 10 i. Administer grant funds in accordance with the terms of
123 11 the grant and all applicable state and federal laws, rules, and
123 12 regulations.
123 13 j. Select and contract with vendors in compliance with
123 14 applicable state and federal procurement laws and regulations.
123 15 k. Coordinate with other health information technology and
123 16 health information network programs and activities.
123 17 l. Work to align interstate and intrastate interoperability
123 18 and standards in accordance with national health information
123 19 exchange standards.
123 20 m. Execute all instruments necessary or incidental to the
123 21 performance of its duties and the execution of its powers.
123 22 Sec. 116. NEW SECTION. 135D.6 Iowa e=health finance fund.
123 23 1. The Iowa e=health finance fund is created as a separate
123 24 fund within the state treasury under the control of the board.
123 25 Revenues, donations, gifts, interest, or other moneys received
123 26 or generated relative to the operation and administration of
123 27 the health information network and health information network
123 28 services, shall be deposited in the fund.
123 29 2. Moneys in the fund shall be expended by the department
123 30 only on activities and operations suitable to the performance
123 31 of the department's duties on behalf of the board and Iowa
123 32 e=health as specified in this chapter, subject to board
123 33 approval. Disbursements may be made from the fund for purposes
123 34 related to the administration, management, operations,
123 35 functions, activities, and sustainability of the health



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124 1 information network and health information network services.
124 2 3. Notwithstanding section 12C.7, subsection 2, earnings or
124 3 interest on moneys deposited in the fund shall be credited to
124 4 the fund. Notwithstanding section 8.33, any unexpended balance
124 5 in the fund at the end of each fiscal year shall be retained in
124 6 the fund and shall not be transferred to the general fund of
124 7 the state.
124 8 4. The moneys in the fund shall be subject to financial and
124 9 compliance audits by the auditor of state.
124 10 5. The general assembly may appropriate moneys in the fund
124 11 to the department on behalf of Iowa e=health for the health
124 12 information network and health information network services.
124 13 Sec. 117. NEW SECTION. 135D.7 Technical infrastructure.
124 14 1. The health information network shall provide a mechanism
124 15 to facilitate and support the secure electronic exchange
124 16 of health information between participants. The health
124 17 information network shall not function as a central repository
124 18 of all health information.
124 19 2. The health information network shall provide a mechanism
124 20 for participants without an electronic health record system to
124 21 access health information from the health information network.
124 22 3. The technical infrastructure of the health information
124 23 network shall be designed to facilitate the secure electronic
124 24 exchange of health information using functions including but
124 25 not limited to all of the following:
124 26 a. A master patient index, in the absence of a single,
124 27 standardized patient identifier, to exchange secure health
124 28 information among participants.
124 29 b. A record locator service to locate and exchange secure
124 30 health information among participants.
124 31 c. Authorization, authentication, access, and auditing
124 32 processes for security controls to protect the privacy of
124 33 consumers and participants and the confidentiality of health
124 34 information by limiting access to the health information
124 35 network and health information to participants whose identity



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125 1 has been authenticated, and whose access to health information
125 2 is limited by their role and recorded through an audit trail.
125 3 d. Electronic transmission procedures and software necessary
125 4 to facilitate the electronic exchange of various types of
125 5 health information through the health information network.
125 6 e. Telecommunications through coordination of public
125 7 and private networks to provide the backbone infrastructure
125 8 to connect participants exchanging health information. The
125 9 networks may include but are not limited to the state-owned
125 10 communications network, other fiber optic networks, and private
125 11 telecommunications service providers.
125 12 4. The state shall own or possess the rights to use all
125 13 processes and software developed, and hardware installed,
125 14 leased, designed, or purchased for the health information
125 15 network, and shall permit participants to use the health
125 16 information network and health information network services in
125 17 accordance with the standards, policies, procedures, rules,
125 18 and regulations approved by the board, and the terms of the
125 19 participation and data sharing agreement.
125 20 Sec. 118. NEW SECTION. 135D.8 Legal and policy.
125 21 1. Upon approval from the board, the office of health
125 22 information technology shall establish appropriate security
125 23 standards, policies, and procedures to protect the transmission
125 24 and receipt of individually identifiable health information
125 25 exchanged through the health information network. The security
125 26 standards, policies, and procedures shall, at a minimum, comply
125 27 with the Health Insurance Portability and Accountability Act
125 28 security rule pursuant to 45 C.F.R. pt. 164, subpt. C, and
125 29 shall reflect all of the following:
125 30 a. Include authorization controls, including the
125 31 responsibility to authorize, maintain, and terminate a
125 32 participant's use of the health information network.
125 33 b. Require authentication controls to verify the identity
125 34 and role of the participant using the health information
125 35 network.



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126 1 c. Include role-based access controls to restrict
126 2 functionality and information available through the health
126 3 information network.
126 4 d. Include a secure and traceable electronic audit system
126 5 to document and monitor the sender and the recipient of health
126 6 information exchanged through the health information network.
126 7 e. Require standard participation and data sharing
126 8 agreements which define the minimum privacy and security
126 9 obligations of all participants using the health information
126 10 network and health information network services.
126 11 f. Include controls over access to and the collection,
126 12 organization, and maintenance of records and data for
126 13 purposes of research or population health that protect the
126 14 confidentiality of consumers who are the subject of the health
126 15 information.
126 16 2. a. A patient shall have the opportunity to decline
126 17 exchange of their health information through the health
126 18 information network. The board shall provide by rule the means
126 19 and process by which patients may decline participation. A
126 20 patient shall not be denied care or treatment for declining
126 21 to exchange their health information, in whole or in part,
126 22 through the health information network. The means and process
126 23 utilized under the rules shall minimize the burden on patients
126 24 and providers.
126 25 b. Unless otherwise authorized by law or rule, a patient's
126 26 decision to decline participation means that none of the
126 27 patient's health information shall be exchanged through the
126 28 health information network. If a patient does not decline
126 29 participation, the patient's health information may be
126 30 exchanged through the health information network except as
126 31 follows:
126 32 (1) If health information associated with a patient
126 33 visit with a provider is protected by state law that is
126 34 more restrictive than the Health Insurance Portability and
126 35 Accountability Act, a patient shall have the right to decline



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127 1 sharing of health information through the health information
127 2 network from such visit as provided by rule.

127 3 (2) With the consent of the patient, a provider may
127 4 limit health information associated with a patient visit
127 5 from being shared through the health information network if
127 6 such limitation is reasonably determined by the provider, in
127 7 consultation with the patient, to be in the best interest of
127 8 the patient as provided by rule.

127 9 c. A patient who declines participation in the health
127 10 information network may later decide to have health information
127 11 shared through the health information network. A patient who
127 12 is participating in the health information network may later
127 13 decline participation in the health information network.

127 14 3. The office shall develop and distribute educational
127 15 tools and information for consumers, patients, and providers to
127 16 inform them about the health information network, including but
127 17 not limited to the safeguards available to prevent unauthorized
127 18 disclosure of health information and a patient's right to
127 19 decline participation in the health information network.

127 20 4. a. A participant shall not release or use protected
127 21 health information exchanged through the health information
127 22 network for purposes unrelated to prevention, treatment,
127 23 payment, or health care operations unless otherwise authorized
127 24 or required by law. Participants shall limit the use and
127 25 disclosure of protected health information to the minimum
127 26 amount required to accomplish the intended purpose of the use
127 27 or request, in compliance with the Health Insurance Portability
127 28 and Accountability Act and other applicable federal law. Use
127 29 or distribution of the information for a marketing purpose, as
127 30 defined by the Health Insurance Portability and Accountability
127 31 Act, is strictly prohibited.

127 32 b. The department, the office, and all persons using the
127 33 health information network shall be individually responsible
127 34 for following breach notification policies as provided by the
127 35 Health Insurance Portability and Accountability Act.



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128 1 c. A participant shall not be compelled by subpoena, court
128 2 order, or other process of law to access health information
128 3 through the health information network in order to gather
128 4 records or information not created by the participant.
128 5 5. a. If a patient has declined participation in the health
128 6 information network, the patient's health information may be
128 7 released to a provider through the health information network
128 8 if all of the following circumstances exist:
128 9 (1) The patient is unable to provide consent due to
128 10 incapacitation.
128 11 (2) The requesting provider believes, in good faith, that
128 12 the information is necessary to prevent imminent serious injury
128 13 to the patient. Imminent serious injury includes but it not
128 14 limited to death, injury or disease that creates a substantial
128 15 risk of death, or injury or disease that causes protracted loss
128 16 or impairment of any organ or body system.
128 17 (3) Such information cannot otherwise be readily obtained.
128 18 b. The department shall provide by rule for the reporting of
128 19 emergency access and use by a provider.
128 20 6. All participants exchanging health information and
128 21 data through the health information network shall grant to
128 22 participants of the health information network a nonexclusive
128 23 license to retrieve and use that information or data in
128 24 accordance with applicable state and federal laws, and the
128 25 policies, procedures, and rules established by the board.
128 26 7. The department shall establish by rule the procedures for
128 27 a patient who is the subject of health information to do all of
128 28 the following:
128 29 a. Receive notice of a violation of the confidentiality
128 30 provisions required under this chapter.
128 31 b. Upon request to the department, view an audit report
128 32 created under this chapter for the purpose of monitoring access
128 33 to the patient's records.
128 34 8. a. A provider who relies reasonably and in good faith
128 35 upon any health information provided through the health



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129 1 information network in treatment of a patient shall be immune
129 2 from criminal or civil liability arising from any damages
129 3 caused by such reasonable, good faith reliance. Such immunity
129 4 shall not apply to acts or omissions constituting negligence,
129 5 recklessness, or intentional misconduct.
129 6 b. A participant that has disclosed health information
129 7 through the health information network in compliance with
129 8 applicable law and the standards, requirements, policies,
129 9 procedures, and agreements of the health information network
129 10 shall not be subject to criminal or civil liability for the use
129 11 or disclosure of the health information by another participant.
129 12 9. a. Notwithstanding chapter 22, the following records
129 13 shall be kept confidential, unless otherwise ordered by a court
129 14 or consented to by the patient or by a person duly authorized
129 15 to release such information:
129 16 (1) The protected health information contained in, stored
129 17 in, submitted to, transferred or exchanged by, or released from
129 18 the health information network.
129 19 (2) Any protected health information in the possession of
129 20 Iowa e=health or the department due to its administration of
129 21 the health information network.
129 22 b. Unless otherwise provided in this chapter, when using
129 23 the health information network for the purpose of patient
129 24 treatment, a provider is exempt from any other state law that
129 25 is more restrictive than the Health Insurance Portability and
129 26 Accountability Act that would otherwise prevent or hinder the
129 27 exchange of patient information by the patient's providers.
129 28 Sec. 119. NEW SECTION. 135D.9 Iowa e=health ==== health
129 29 information network services.
129 30 Iowa e=health shall facilitate services through the health
129 31 information network or through other marketplace mechanisms
129 32 to improve the quality, safety, and efficiency of health care
129 33 available to consumers. These services shall include but are
129 34 not limited to all of the following:
129 35 1. Patient summary records such as continuity of care



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130 1 documents.
130 2 2. A provider directory and provider messaging.
130 3 3. Clinical orders and results.
130 4 4. Public health reporting such as electronic reporting to
130 5 the statewide immunization registry and reportable diseases.
130 6 5. Medication history.
130 7 Sec. 120. NEW SECTION. 135D.10 Governance review and
130 8 transition.
130 9 1. a. The Iowa e=health governance structure shall continue
130 10 during the first two years of the term of the state health
130 11 information exchange cooperative agreement with the office of
130 12 the national coordinator for health information technology
130 13 to address the development of policies and procedures;
130 14 dissemination of interoperability standards; the initiation,
130 15 testing, and operation of the health information network
130 16 infrastructure; and the evolution of health information network
130 17 services to improve patient care for the population.
130 18 b. Following the end of the first two years of the term
130 19 of the cooperative agreement, the board and the department
130 20 shall review the Iowa e=health governance structure, operations
130 21 of the health information network, and the business and
130 22 sustainability plan to determine if the existing Iowa e=health
130 23 governance structure should continue or should be replaced by
130 24 any of the following:
130 25 (1) A public authority or similar body with broad
130 26 stakeholder representation on its governing board.
130 27 (2) A not=for=profit entity with broad stakeholder
130 28 representation on its governing board.
130 29 2. If the board and department determine that the governance
130 30 structure should be replaced, Iowa e=health shall develop
130 31 a transition plan to transfer the responsibilities for the
130 32 domains specified in section 135D.3.
130 33 Sec. 121. Section 136.3, subsection 14, Code 2011, is
130 34 amended to read as follows:
130 35 14. Perform those duties authorized pursuant to sections



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131 1 ~~135.156~~, 135.159~~7~~, and 135.161, and other provisions of law.
131 2 Sec. 122. Section 249J.14, subsection 2, paragraphs a and b,
131 3 Code 2011, are amended to read as follows:
131 4 a. Design and implement a program for distribution
131 5 and monitoring of provider incentive payments, including
131 6 development of a definition of "meaningful use" for purposes
131 7 of promoting the use of electronic medical recordkeeping by
131 8 providers. The department shall develop this program in
131 9 collaboration with the department of public health and the
131 10 ~~electronic health information advisory council and executive~~
131 11 ~~committee~~ board of directors and the advisory council to the
131 12 board of Iowa e=health created pursuant to section 135.156
131 13 ~~135D.4.~~
131 14 b. Develop the medical assistance health information
131 15 technology plan as required by the centers for Medicare and
131 16 Medicaid services of the United States department of health and
131 17 human services. The plan shall provide detailed implementation
131 18 plans for the medical assistance program for promotion of the
131 19 adoption and meaningful use of health information technology by
131 20 medical assistance providers and the Iowa Medicaid enterprise.
131 21 The plan shall include the integration of health information
131 22 technology and the health information exchange network with the
131 23 medical assistance management information system. The plan
131 24 shall be developed in collaboration with the department of
131 25 public health and the ~~electronic health information advisory~~
131 26 ~~council and executive committee~~ board of directors and the
131 27 advisory council to the board of Iowa e=health created pursuant
131 28 to section 135.156 135D.4.
131 29 Sec. 123. INITIAL APPOINTMENTS ==== BOARD.
131 30 1. The initial appointments of board member positions
131 31 described in section 135D.4, as enacted by this division of
131 32 this Act, shall have staggered terms as follows:
131 33 a. The board members designated by the Iowa collaborative
131 34 safety net provider network and the Iowa medical society, shall
131 35 have initial terms of two years, after which the members shall



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132 1 serve four=year terms.
132 2 b. The board members designated by the two largest health
132 3 care systems in the state, the university of Iowa hospitals
132 4 and clinics, and the Iowa hospital association, shall have
132 5 initial terms of four years, after which the members shall
132 6 serve four=year terms.
132 7 c. The board members designated by the federation of Iowa
132 8 insurers shall serve initial terms of six years, after which
132 9 the members shall serve four=year terms.
132 10 2. With the exception of board members who are
132 11 representatives of state agencies and not subject to term
132 12 limits as provided in section 135D.4, board members appointed
132 13 under this section may serve an additional four=year term,
132 14 with the exception of those board members initially serving a
132 15 two=year term, who may serve two consecutive four=year terms
132 16 following the initial two=year term.
132 17 Sec. 124. REPEAL. Sections 135.154, 135.155, and 135.156,
132 18 Code 2011, are repealed.
132 19 Sec. 125. TRANSITION PROVISIONS. Notwithstanding any
132 20 other provision of this division of this Act, the department
132 21 of public health, and the executive committee and the advisory
132 22 council created pursuant to section 135.156, shall continue to
132 23 exercise the powers and duties specified under that section
132 24 until such time as all board members have been appointed as
132 25 provided in section 135D.4, as enacted by this division of this
132 26 Act.
132 27 Sec. 126. EFFECTIVE DATE. The sections of this division of
132 28 this Act repealing sections 135.154, 135.155, and 135.156, and
132 29 amending sections 136.3 and 249J.14, take effect on the date
132 30 all board members are appointed as provided in section 135D.4,
132 31 as enacted by this division of this Act. The department of
132 32 public health shall notify the Code editor of such date.
132 33 Sec. 127. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
132 34 APPLICABILITY. Except as otherwise provided by this division
132 35 of this Act, this division of this Act, being deemed of



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133 1 immediate importance, takes effect upon enactment and if
133 2 approved by the governor on or after July 1, 2011, applies
133 3 retroactively to June 30, 2011.

133 4 DIVISION XV

133 5 DEPARTMENT ON AGING ==== FY 2012=2013

133 6 Sec. 128. DEPARTMENT ON AGING. There is appropriated from
133 7 the general fund of the state to the department on aging for
133 8 the fiscal year beginning July 1, 2012, and ending June 30,
133 9 2013, the following amount, or so much thereof as is necessary,
133 10 to be used for the purposes designated:

133 11 For aging programs for the department on aging and area
133 12 agencies on aging to provide citizens of Iowa who are 60 years
133 13 of age and older with case management for frail elders, Iowa's
133 14 aging and disabilities resource center, and other services
133 15 which may include but are not limited to adult day services,
133 16 respite care, chore services, information and assistance,
133 17 and material aid, for information and options counseling for
133 18 persons with disabilities who are 18 years of age or older,
133 19 and for salaries, support, administration, maintenance, and
133 20 miscellaneous purposes, and for not more than the following
133 21 full-time equivalent positions:

133 22 \$ 5,151,289

133 23 FTEs 35.00

133 24 1. Funds appropriated in this section may be used to
133 25 supplement federal funds under federal regulations. To
133 26 receive funds appropriated in this section, a local area
133 27 agency on aging shall match the funds with moneys from other
133 28 sources according to rules adopted by the department. Funds
133 29 appropriated in this section may be used for elderly services
133 30 not specifically enumerated in this section only if approved
133 31 by an area agency on aging for provision of the service within
133 32 the area.

133 33 2. The amount appropriated in this section includes
133 34 additional funding of \$225,000 for delivery of long-term care
133 35 services to seniors with low or moderate incomes.



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134 1 3. Of the funds appropriated in this section, \$89,973 shall
134 2 be transferred to the department of economic development for
134 3 the Iowa commission on volunteer services to be used for the
134 4 retired and senior volunteer program.

134 5 4. a. The department on aging shall establish and enforce
134 6 procedures relating to expenditure of state and federal funds
134 7 by area agencies on aging that require compliance with both
134 8 state and federal laws, rules, and regulations, including but
134 9 not limited to all of the following:

134 10 (1) Requiring that expenditures are incurred only for goods
134 11 or services received or performed prior to the end of the
134 12 fiscal period designated for use of the funds.

134 13 (2) Prohibiting prepayment for goods or services not
134 14 received or performed prior to the end of the fiscal period
134 15 designated for use of the funds.

134 16 (3) Prohibiting the prepayment for goods or services
134 17 not defined specifically by good or service, time period, or
134 18 recipient.

134 19 (4) Prohibiting the establishment of accounts from which
134 20 future goods or services which are not defined specifically by
134 21 good or service, time period, or recipient, may be purchased.

134 22 b. The procedures shall provide that if any funds are
134 23 expended in a manner that is not in compliance with the
134 24 procedures and applicable federal and state laws, rules, and
134 25 regulations, and are subsequently subject to repayment, the
134 26 area agency on aging expending such funds in contravention of
134 27 such procedures, laws, rules and regulations, not the state,
134 28 shall be liable for such repayment.

134 29 DIVISION XVI

134 30 DEPARTMENT OF PUBLIC HEALTH ==== FY 2012=2013

134 31 Sec. 129. DEPARTMENT OF PUBLIC HEALTH. There is
134 32 appropriated from the general fund of the state to the
134 33 department of public health for the fiscal year beginning July
134 34 1, 2012, and ending June 30, 2013, the following amounts, or
134 35 so much thereof as is necessary, to be used for the purposes



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135 1 designated:
135 2 1. ADDICTIVE DISORDERS
135 3 For reducing the prevalence of use of tobacco, alcohol, and
135 4 other drugs, and treating individuals affected by addictive
135 5 behaviors, including gambling, and for not more than the
135 6 following full-time equivalent positions:
135 7 \$ 12,301,595
135 8 FTEs 13.00
135 9 a. (1) Of the funds appropriated in this subsection,
135 10 \$2,176,916 shall be used for the tobacco use prevention and
135 11 control initiative, including efforts at the state and local
135 12 levels, as provided in chapter 142A.
135 13 (2) Of the funds allocated in this paragraph "a", \$226,915
135 14 shall be transferred to the alcoholic beverages division of
135 15 the department of commerce for enforcement of tobacco laws,
135 16 regulations, and ordinances in accordance with 2011 Iowa Acts,
135 17 House File 467, as enacted.
135 18 b. Of the funds appropriated in this subsection,
135 19 \$10,124,680 shall be used for problem gambling and substance
135 20 abuse prevention, treatment, and recovery services, including a
135 21 24-hour helpline, public information resources, professional
135 22 training, and program evaluation.
135 23 (1) Of the funds allocated in this paragraph "b", \$8,566,254
135 24 shall be used for substance abuse prevention and treatment.
135 25 (a) Of the funds allocated in this subparagraph (1),
135 26 \$449,650 shall be used for the public purpose of a grant
135 27 program to provide substance abuse prevention programming for
135 28 children.
135 29 (i) Of the funds allocated in this subparagraph division
135 30 (a), \$213,770 shall be used for grant funding for organizations
135 31 that provide programming for children by utilizing mentors.
135 32 Programs approved for such grants shall be certified or will
135 33 be certified within six months of receiving the grant award
135 34 by the Iowa commission on volunteer services as utilizing the
135 35 standards for effective practice for mentoring programs.



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136 1 (ii) Of the funds allocated in this subparagraph division
136 2 (a), \$213,420 shall be used for grant funding for organizations
136 3 that provide programming that includes youth development and
136 4 leadership. The programs shall also be recognized as being
136 5 programs that are scientifically based with evidence of their
136 6 effectiveness in reducing substance abuse in children.
136 7 (iii) The department of public health shall utilize a
136 8 request for proposals process to implement the grant program.
136 9 (iv) All grant recipients shall participate in a program
136 10 evaluation as a requirement for receiving grant funds.
136 11 (v) Of the funds allocated in this subparagraph division
136 12 (a), up to \$22,461 may be used to administer substance abuse
136 13 prevention grants and for program evaluations.
136 14 (b) Of the funds allocated in this subparagraph (1),
136 15 \$136,531 shall be used for culturally competent substance abuse
136 16 treatment pilot projects.
136 17 (i) The department shall utilize the amount allocated
136 18 in this subparagraph division (b) for at least three pilot
136 19 projects to provide culturally competent substance abuse
136 20 treatment in various areas of the state. Each pilot project
136 21 shall target a particular ethnic minority population. The
136 22 populations targeted shall include but are not limited to
136 23 African American, Asian, and Latino.
136 24 (ii) The pilot project requirements shall provide for
136 25 documentation or other means to ensure access to the cultural
136 26 competence approach used by a pilot project so that such
136 27 approach can be replicated and improved upon in successor
136 28 programs.
136 29 (2) Of the funds allocated in this paragraph "b", up
136 30 to \$1,558,426 may be used for problem gambling prevention,
136 31 treatment, and recovery services.
136 32 (a) Of the funds allocated in this subparagraph (2),
136 33 \$1,289,500 shall be used for problem gambling prevention and
136 34 treatment.
136 35 (b) Of the funds allocated in this subparagraph (2), up to



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137 1 \$218,926 may be used for a 24-hour helpline, public information
137 2 resources, professional training, and program evaluation.

137 3 (c) Of the funds allocated in this subparagraph (2), up
137 4 to \$50,000 may be used for the licensing of problem gambling
137 5 treatment programs.

137 6 (3) It is the intent of the general assembly that from the
137 7 moneys allocated in this paragraph "b", persons with a dual
137 8 diagnosis of substance abuse and gambling addictions shall be
137 9 given priority in treatment services.

137 10 c. Notwithstanding any provision of law to the contrary,
137 11 to standardize the availability, delivery, cost of delivery,
137 12 and accountability of problem gambling and substance abuse
137 13 treatment services statewide, the department shall continue
137 14 implementation of a process to create a system for delivery
137 15 of treatment services in accordance with the requirements
137 16 specified in 2008 Iowa Acts, chapter 1187, section 3,
137 17 subsection 4. To ensure the system provides a continuum of
137 18 treatment services that best meets the needs of Iowans, the
137 19 problem gambling and substance abuse treatment services in any
137 20 area may be provided either by a single agency or by separate
137 21 agencies submitting a joint proposal.

137 22 (1) The system for delivery of substance abuse and
137 23 problem gambling treatment shall include problem gambling
137 24 prevention by July 1, 2012. The department shall submit a
137 25 proposed legislative bill in accordance with section 2.16, for
137 26 consideration during the 2012 legislative session, addressing
137 27 any statutory revisions necessary for full implementation of
137 28 the system.

137 29 (2) The system for delivery of substance abuse and problem
137 30 gambling treatment shall include substance abuse prevention by
137 31 July 1, 2014.

137 32 (3) Of the funds allocated in paragraph "b", the department
137 33 may use up to \$50,000 for administrative costs to continue
137 34 developing and implementing the process in accordance with this
137 35 paragraph "c".



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138 1 d. The requirement of section 123.53, subsection 5, is met
138 2 by the appropriations and allocations made in this Act for
138 3 purposes of substance abuse treatment and addictive disorders
138 4 for the fiscal year beginning July 1, 2011.
138 5 e. The department of public health shall work with all other
138 6 departments that fund substance abuse prevention and treatment
138 7 services and all such departments shall, to the extent
138 8 necessary, collectively meet the state maintenance of effort
138 9 requirements for expenditures for substance abuse services
138 10 as required under the federal substance abuse prevention and
138 11 treatment block grant.
138 12 f. The department shall amend or otherwise revise
138 13 departmental policies and contract provisions in order to
138 14 eliminate free t-shirt distribution, banner production, and
138 15 other unnecessary promotional expenditures.
138 16 2. HEALTHY CHILDREN AND FAMILIES
138 17 For promoting the optimum health status for children,
138 18 adolescents from birth through 21 years of age, and families,
138 19 and for not more than the following full-time equivalent
138 20 positions:
138 21 \$ 1,297,135
138 22 FTEs 10.00
138 23 a. Of the funds appropriated in this subsection, not more
138 24 than \$369,659 shall be used for the healthy opportunities to
138 25 experience success (HOPES)=healthy families Iowa (HFI) program
138 26 established pursuant to section 135.106. The funding shall
138 27 be distributed to renew the grants that were provided to the
138 28 grantees that operated the program during the fiscal year
138 29 ending June 30, 2012.
138 30 b. Of the funds appropriated in this subsection, \$164,943
138 31 shall be used to continue to address the healthy mental
138 32 development of children from birth through five years of age
138 33 through local evidence-based strategies that engage both the
138 34 public and private sectors in promoting healthy development,
138 35 prevention, and treatment for children. A portion of the



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139 1 funds allocated in this lettered paragraph may be used for a
139 2 full-time equivalent position to coordinate the activities
139 3 under this paragraph.
139 4 c. Of the funds appropriated in this subsection, \$15,799
139 5 shall be distributed to a statewide dental carrier to provide
139 6 funds to continue the donated dental services program patterned
139 7 after the projects developed by the lifeline network to provide
139 8 dental services to indigent elderly and disabled individuals.
139 9 d. Of the funds appropriated in this subsection, \$56,339
139 10 shall be used for childhood obesity prevention.
139 11 e. Of the funds appropriated in this subsection, \$81,880
139 12 shall be used to provide audiological services and hearing
139 13 aids for children. The department may enter into a contract
139 14 to administer this paragraph.
139 15 3. CHRONIC CONDITIONS
139 16 For serving individuals identified as having chronic
139 17 conditions or special health care needs, and for not more than
139 18 the following full-time equivalent positions:
139 19 \$ 1,699,578
139 20 FTEs 4.00
139 21 a. Of the funds appropriated in this subsection, \$80,291
139 22 shall be used for grants to individual patients who have
139 23 phenylketonuria (PKU) to assist with the costs of necessary
139 24 special foods.
139 25 b. Of the funds appropriated in this subsection, \$241,800
139 26 is allocated for continuation of the contracts for resource
139 27 facilitator services in accordance with section 135.22B,
139 28 subsection 9, and for brain injury training services and
139 29 recruiting of service providers to increase the capacity within
139 30 this state to address the needs of individuals with brain
139 31 injuries and such individuals' families.
139 32 c. Of the funds appropriated in this subsection, \$249,437
139 33 shall be used as additional funding to leverage federal funding
139 34 through the federal Ryan White Care Act, Tit. II, AIDS drug
139 35 assistance program supplemental drug treatment grants.



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140 1 d. Of the funds appropriated in this subsection, \$15,627
140 2 shall be used for the public purpose of providing a grant to an
140 3 existing national=affiliated organization to provide education,
140 4 client=centered programs, and client and family support for
140 5 people living with epilepsy and their families.
140 6 e. Of the funds appropriated in this subsection, \$394,152
140 7 shall be used for child health specialty clinics.
140 8 f. Of the funds appropriated in this subsection, \$273,533
140 9 shall be used for the comprehensive cancer control program to
140 10 reduce the burden of cancer in Iowa through prevention, early
140 11 detection, effective treatment, and ensuring quality of life.
140 12 Of the funds allocated in this lettered paragraph, \$100,000
140 13 shall be used to support a melanoma research symposium, a
140 14 melanoma biorepository and registry, basic and translational
140 15 melanoma research, and clinical trials.
140 16 g. Of the funds appropriated in this subsection, \$63,225
140 17 shall be used for cervical and colon cancer screening.
140 18 h. Of the funds appropriated in this subsection, \$264,417
140 19 shall be used for the center for congenital and inherited
140 20 disorders. A portion of the funds allocated in this paragraph
140 21 may be used for one full=time equivalent position for
140 22 administration of the center.
140 23 i. Of the funds appropriated in this subsection, \$64,969
140 24 shall be used for the prescription drug donation repository
140 25 program created in chapter 135M.
140 26 4. COMMUNITY CAPACITY
140 27 For strengthening the health care delivery system at the
140 28 local level, and for not more than the following full=time
140 29 equivalent positions:
140 30 \$ 2,413,350
140 31 FTEs 14.00
140 32 a. Of the funds appropriated in this subsection, \$50,000
140 33 is allocated for a child vision screening program implemented
140 34 through the university of Iowa hospitals and clinics in
140 35 collaboration with early childhood Iowa areas.



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141 1 b. Of the funds appropriated in this subsection, \$55,654 is
141 2 allocated for continuation of an initiative implemented at the
141 3 university of Iowa and \$50,247 is allocated for continuation of
141 4 an initiative at the state mental health institute at Cherokee
141 5 to expand and improve the workforce engaged in mental health
141 6 treatment and services. The initiatives shall receive input
141 7 from the university of Iowa, the department of human services,
141 8 the department of public health, and the mental health, mental
141 9 retardation, developmental disabilities, and brain injury
141 10 commission to address the focus of the initiatives.

141 11 c. Of the funds appropriated in this subsection, \$585,746
141 12 shall be used for essential public health services that promote
141 13 healthy aging throughout the lifespan, contracted through a
141 14 formula for local boards of health, to enhance health promotion
141 15 and disease prevention services.

141 16 d. Of the funds appropriated in this section, \$60,909 shall
141 17 be deposited in the governmental public health system fund
141 18 created in section 135A.8 to be used for the purposes of the
141 19 fund.

141 20 e. Of the funds appropriated in this subsection, \$53,140
141 21 shall be used for the mental health professional shortage area
141 22 program implemented pursuant to section 135.80.

141 23 f. Of the funds appropriated in this subsection,
141 24 \$19,132 shall be used for a grant to a statewide association
141 25 of psychologists that is affiliated with the American
141 26 psychological association to be used for continuation of a
141 27 program to rotate intern psychologists in placements in urban
141 28 and rural mental health professional shortage areas, as defined
141 29 in section 135.80.

141 30 g. Of the funds appropriated in this subsection, the
141 31 following amounts shall be allocated to the Iowa collaborative
141 32 safety net provider network established pursuant to section
141 33 135.153 to be used for the purposes designated. The following
141 34 amounts allocated under this lettered paragraph shall be
141 35 distributed to the specified provider and shall not be reduced



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142 1 for administrative or other costs prior to distribution:
142 2 (1) For distribution to the Iowa primary care association
142 3 for statewide coordination of the Iowa collaborative safety net
142 4 provider network:
142 5 \$ 66,290
142 6 (2) For distribution to the Iowa family planning network
142 7 agencies for necessary infrastructure, statewide coordination,
142 8 provider recruitment, service delivery, and provision of
142 9 assistance to patients in determining an appropriate medical
142 10 home:
142 11 \$ 37,259
142 12 (3) For distribution to the local boards of health that
142 13 provide direct services for pilot programs in three counties to
142 14 assist patients in determining an appropriate medical home:
142 15 \$ 37,259
142 16 (4) For distribution to maternal and child health centers
142 17 for pilot programs in three counties to assist patients in
142 18 determining an appropriate medical home:
142 19 \$ 37,259
142 20 (5) For distribution to free clinics for necessary
142 21 infrastructure, statewide coordination, provider recruitment,
142 22 service delivery, and provision of assistance to patients in
142 23 determining an appropriate medical home:
142 24 \$ 62,025
142 25 (6) For distribution to rural health clinics for necessary
142 26 infrastructure, statewide coordination, provider recruitment,
142 27 service delivery, and provision of assistance to patients in
142 28 determining an appropriate medical home:
142 29 \$ 55,215
142 30 (7) For continuation of the safety net provider patient
142 31 access to specialty health care initiative as described in 2007
142 32 Iowa Acts, chapter 218, section 109:
142 33 \$ 130,000
142 34 (8) For continuation of the pharmaceutical infrastructure
142 35 for safety net providers as described in 2007 Iowa Acts,



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143 1 chapter 218, section 108:
143 2 \$ 135,000
143 3 The Iowa collaborative safety net provider network may
143 4 continue to distribute funds allocated pursuant to this
143 5 lettered paragraph through existing contracts or renewal of
143 6 existing contracts.
143 7 h. (1) Of the funds appropriated in this subsection,
143 8 \$74,500 shall be used for continued implementation of
143 9 the recommendations of the direct care worker task force
143 10 established pursuant to 2005 Iowa Acts, chapter 88, based upon
143 11 the report submitted to the governor and the general assembly
143 12 in December 2006. The department may use a portion of the
143 13 funds allocated in this lettered paragraph for an additional
143 14 position to assist in the continued implementation.
143 15 (2) It is the intent of the general assembly that a
143 16 board of direct care workers shall be established within the
143 17 department of public health by July 1, 2014, contingent upon
143 18 the availability of funds to establish and maintain the board.
143 19 i. (1) Of the funds appropriated in this subsection,
143 20 \$65,050 shall be used for allocation to an independent
143 21 statewide direct care worker association for education,
143 22 outreach, leadership development, mentoring, and other
143 23 initiatives intended to enhance the recruitment and retention
143 24 of direct care workers in health care and long-term care
143 25 settings.
143 26 (2) Of the funds appropriated in this subsection, \$29,000
143 27 shall be used to provide scholarships or other forms of
143 28 subsidization for direct care worker educational conferences,
143 29 training, or outreach activities.
143 30 j. The department may utilize one of the full-time
143 31 equivalent positions authorized in this subsection for
143 32 administration of the activities related to the Iowa
143 33 collaborative safety net provider network.
143 34 k. Of the funds appropriated in this subsection, the
143 35 department may use up to \$30,000 for up to one full-time



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144 1 equivalent position to administer the volunteer health care
144 2 provider program pursuant to section 135.24.
144 3 1. Of the funds appropriated in this subsection, \$25,000
144 4 shall be used for a matching dental education loan repayment
144 5 program to be allocated to a dental nonprofit health service
144 6 corporation to develop the criteria and implement the loan
144 7 repayment program.
144 8 m. Of the funds appropriated in this subsection, up to
144 9 \$67,107 shall be used to support the department's activities
144 10 relating to health and long-term care access as specified
144 11 pursuant to chapter 135, division XXIV.
144 12 n. Of the funds appropriated in this subsection,
144 13 \$181,994 shall be used as state matching funds for the health
144 14 information network as enacted by this Act.
144 15 o. Of the funds appropriated in this subsection, \$12,500
144 16 shall be used for continuation of a pilot program established
144 17 through a grant to an organization that has an existing
144 18 program for children and adults and that is solely dedicated
144 19 to preserving sight and preventing blindness to provide vision
144 20 screening to elementary school children in one urban and one
144 21 rural school district in the state, on a voluntary basis, over
144 22 a multiyear period. The grantee organization shall develop
144 23 protocol for participating schools including the grade level
144 24 of the children to be screened, the training and certification
144 25 necessary for individuals conducting the vision screening,
144 26 vision screening equipment requirements, and documentation and
144 27 tracking requirements. Following the conclusion of the pilot
144 28 program, the grantee organization shall report findings and
144 29 recommendations for statewide implementation of the vision
144 30 screening program to the department of public health.
144 31 5. HEALTHY AGING
144 32 To provide public health services that reduce risks and
144 33 invest in promoting and protecting good health over the
144 34 course of a lifetime with a priority given to older Iowans and
144 35 vulnerable populations:



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145 1 \$ 3,668,071
145 2 a. Of the funds appropriated in this subsection, \$1,004,594
145 3 shall be used for local public health nursing services.
145 4 b. Of the funds appropriated in this subsection, \$2,663,477
145 5 shall be used for home care aide services.
145 6 6. ENVIRONMENTAL HAZARDS
145 7 For reducing the public's exposure to hazards in the
145 8 environment, primarily chemical hazards, and for not more than
145 9 the following full-time equivalent positions:
145 10 \$ 406,889
145 11 FTEs 4.00
145 12 Of the funds appropriated in this subsection, \$272,189 shall
145 13 be used for childhood lead poisoning provisions.
145 14 7. INFECTIOUS DISEASES
145 15 For reducing the incidence and prevalence of communicable
145 16 diseases, and for not more than the following full-time
145 17 equivalent positions:
145 18 \$ 672,924
145 19 FTEs 4.00
145 20 8. PUBLIC PROTECTION
145 21 For protecting the health and safety of the public through
145 22 establishing standards and enforcing regulations, and for not
145 23 more than the following full-time equivalent positions:
145 24 \$ 1,389,344
145 25 FTEs 125.00
145 26 a. Of the funds appropriated in this subsection, not more
145 27 than \$212,073 shall be credited to the emergency medical
145 28 services fund created in section 135.25. Moneys in the
145 29 emergency medical services fund are appropriated to the
145 30 department to be used for the purposes of the fund.
145 31 b. Of the funds appropriated in this subsection, \$105,310
145 32 shall be used for sexual violence prevention programming
145 33 through a statewide organization representing programs serving
145 34 victims of sexual violence through the department's sexual
145 35 violence prevention program. The amount allocated in this



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146 1 lettered paragraph shall not be used to supplant funding
146 2 administered for other sexual violence prevention or victims
146 3 assistance programs.
146 4 c. Of the funds appropriated in this subsection, not more
146 5 than \$218,291 shall be used for the state poison control
146 6 center.
146 7 d. Of the funds appropriated in this subsection, \$25,000
146 8 shall be used for education, testing, training, and other costs
146 9 to conform the requirements for certification of emergency
146 10 medical care providers with national standards.
146 11 9. RESOURCE MANAGEMENT
146 12 For establishing and sustaining the overall ability of the
146 13 department to deliver services to the public, and for not more
146 14 than the following full-time equivalent positions:
146 15 \$ 409,777
146 16 FTEs 7.00
146 17 The university of Iowa hospitals and clinics under the
146 18 control of the state board of regents shall not receive
146 19 indirect costs from the funds appropriated in this section.
146 20 The university of Iowa hospitals and clinics billings to the
146 21 department shall be on at least a quarterly basis.
146 22 DIVISION XVII
146 23 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2012=2013
146 24 Sec. 130. DEPARTMENT OF VETERANS AFFAIRS. There is
146 25 appropriated from the general fund of the state to the
146 26 department of veterans affairs for the fiscal year beginning
146 27 July 1, 2012, and ending June 30, 2013, the following amounts,
146 28 or so much thereof as is necessary, to be used for the purposes
146 29 designated:
146 30 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
146 31 For salaries, support, maintenance, and miscellaneous
146 32 purposes, including the war orphans educational assistance fund
146 33 created in section 35.8, and for not more than the following
146 34 full-time equivalent positions:
146 35 \$ 499,416



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147 1 FTEs 16.34
147 2 2. IOWA VETERANS HOME
147 3 For salaries, support, maintenance, and miscellaneous
147 4 purposes:
147 5 \$ 4,476,076
147 6 a. The Iowa veterans home billings involving the department
147 7 of human services shall be submitted to the department on at
147 8 least a monthly basis.
147 9 b. If there is a change in the employer of employees
147 10 providing services at the Iowa veterans home under a collective
147 11 bargaining agreement, such employees and the agreement shall
147 12 be continued by the successor employer as though there had not
147 13 been a change in employer.
147 14 c. Within available resources and in conformance with
147 15 associated state and federal program eligibility requirements,
147 16 the Iowa veterans home may implement measures to provide
147 17 financial assistance to or on behalf of veterans or their
147 18 spouses participating in the community reentry program.
147 19 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF DECEASED
147 20 VETERANS
147 21 For provision of educational assistance pursuant to section
147 22 35.9:
147 23 \$ 6,208
147 24 Sec. 131. LIMITATION OF COUNTY COMMISSION OF VETERANS
147 25 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
147 26 standing appropriation in the following designated section for
147 27 the fiscal year beginning July 1, 2012, and ending June 30,
147 28 2013, the amounts appropriated from the general fund of the
147 29 state pursuant to that section for the following designated
147 30 purposes shall not exceed the following amount:
147 31 For the county commissions of veterans affairs fund under
147 32 section 35A.16:
147 33 \$ 495,000
147 34 DIVISION XVIII
147 35 DEPARTMENT OF HUMAN SERVICES ==== FY 2012=2013



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148 1 Sec. 132. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
148 2 GRANT. There is appropriated from the fund created in section
148 3 8.41 to the department of human services for the fiscal year
148 4 beginning July 1, 2012, and ending June 30, 2013, from moneys
148 5 received under the federal temporary assistance for needy
148 6 families (TANF) block grant pursuant to the federal Personal
148 7 Responsibility and Work Opportunity Reconciliation Act of 1996,
148 8 Pub. L. No. 104=193, and successor legislation, and from moneys
148 9 received under the emergency contingency fund for temporary
148 10 assistance for needy families state program established
148 11 pursuant to the federal American Recovery and Reinvestment Act
148 12 of 2009, Pub. L. No. 111=5 { 2101, and successor legislation,
148 13 the following amounts, or so much thereof as is necessary, to
148 14 be used for the purposes designated:
148 15 1. To be credited to the family investment program account
148 16 and used for assistance under the family investment program
148 17 under chapter 239B:
148 18 \$ 10,750,369
148 19 2. To be credited to the family investment program account
148 20 and used for the job opportunities and basic skills (JOBS)
148 21 program and implementing family investment agreements in
148 22 accordance with chapter 239B:
148 23 \$ 6,205,764
148 24 3. To be used for the family development and
148 25 self=sufficiency grant program in accordance with section
148 26 216A.107:
148 27 \$ 1,449,490
148 28 Notwithstanding section 8.33, moneys appropriated in this
148 29 subsection that remain unencumbered or unobligated at the close
148 30 of the fiscal year shall not revert but shall remain available
148 31 for expenditure for the purposes designated until the close of
148 32 the succeeding fiscal year. However, unless such moneys are
148 33 encumbered or obligated on or before September 30, 2013, the
148 34 moneys shall revert.
148 35 4. For field operations:



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149 1 \$ 15,648,116
149 2 5. For general administration:
149 3 \$ 1,872,000
149 4 6. For state child care assistance:
149 5 \$ 8,191,344
149 6 The funds appropriated in this subsection shall be
149 7 transferred to the child care and development block grant
149 8 appropriation made by the Eighty=fourth General Assembly, 2012
149 9 Session, for the federal fiscal year beginning October 1,
149 10 2012, and ending September 30, 2013. Of this amount, \$100,000
149 11 shall be used for provision of educational opportunities to
149 12 registered child care home providers in order to improve
149 13 services and programs offered by this category of providers
149 14 and to increase the number of providers. The department may
149 15 contract with institutions of higher education or child care
149 16 resource and referral centers to provide the educational
149 17 opportunities. Allowable administrative costs under the
149 18 contracts shall not exceed 5 percent. The application for a
149 19 grant shall not exceed two pages in length.
149 20 7. For mental health and developmental disabilities
149 21 community services:
149 22 \$ 2,447,026
149 23 8. For child and family services:
149 24 \$ 16,042,215
149 25 9. For child abuse prevention grants:
149 26 \$ 62,500
149 27 10. For pregnancy prevention grants on the condition that
149 28 family planning services are funded:
149 29 \$ 965,034
149 30 Pregnancy prevention grants shall be awarded to programs
149 31 in existence on or before July 1, 2012, if the programs are
149 32 comprehensive in scope and have demonstrated positive outcomes.
149 33 Grants shall be awarded to pregnancy prevention programs
149 34 which are developed after July 1, 2012, if the programs are
149 35 comprehensive in scope and are based on existing models that



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150 1 have demonstrated positive outcomes. Grants shall comply with
150 2 the requirements provided in 1997 Iowa Acts, chapter 208,
150 3 section 14, subsections 1 and 2, including the requirement that
150 4 grant programs must emphasize sexual abstinence. Priority in
150 5 the awarding of grants shall be given to programs that serve
150 6 areas of the state which demonstrate the highest percentage of
150 7 unplanned pregnancies of females of childbearing age within the
150 8 geographic area to be served by the grant.

150 9 11. For technology needs and other resources necessary
150 10 to meet federal welfare reform reporting, tracking, and case
150 11 management requirements:

150 12 \$ 518,593

150 13 12. To be credited to the state child care assistance
150 14 appropriation made in this section to be used for funding of
150 15 community-based early childhood programs targeted to children
150 16 from birth through five years of age developed by early
150 17 childhood Iowa areas as provided in section 256I.11:

150 18 \$ 3,175,000

150 19 The department shall transfer TANF block grant funding
150 20 appropriated and allocated in this subsection to the child care
150 21 and development block grant appropriation in accordance with
150 22 federal law as necessary to comply with the provisions of this
150 23 subsection.

150 24 13. a. Notwithstanding any provision to the contrary,
150 25 including but not limited to requirements in section 8.41 or
150 26 provisions in 2011 or 2012 Iowa Acts regarding the receipt
150 27 and appropriation of federal block grants, federal funds
150 28 from the emergency contingency fund for temporary assistance
150 29 for needy families state program established pursuant to the
150 30 federal American Recovery and Reinvestment Act of 2009, Pub.
150 31 L. No. 111=5 { 2101, received by the state during the fiscal
150 32 year beginning July 1, 2011, and ending June 30, 2012, not
150 33 otherwise appropriated in this section and remaining available
150 34 as of July 1, 2012, and received by the state during the fiscal
150 35 year beginning July 1, 2012, and ending June 30, 2013, are



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151 1 appropriated to the extent as may be necessary to be used in
151 2 the following priority order: the family investment program
151 3 for the fiscal year and for state child care assistance program
151 4 payments for individuals enrolled in the family investment
151 5 program who are employed. The federal funds appropriated in
151 6 this paragraph "a" shall be expended only after all other
151 7 funds appropriated in subsection 1 for the assistance under
151 8 the family investment program under chapter 239B have been
151 9 expended.

151 10 b. The department shall, on a quarterly basis, advise the
151 11 legislative services agency and department of management of
151 12 the amount of funds appropriated in this subsection that was
151 13 expended in the prior quarter.

151 14 14. Of the amounts appropriated in this section,
151 15 \$6,481,004 for the fiscal year beginning July 1, 2012, shall be
151 16 transferred to the appropriation of the federal social services
151 17 block grant made for that fiscal year.

151 18 15. For continuation of the program allowing the department
151 19 to maintain categorical eligibility for the food assistance
151 20 program as required under the section of this division relating
151 21 to the family investment account:

151 22 \$ 73,036

151 23 16. The department may transfer funds allocated in this
151 24 section to the appropriations made in this Act for general
151 25 administration and field operations for resources necessary to
151 26 implement and operate the services referred to in this section
151 27 and those funded in the appropriation made in this division of
151 28 this Act for the family investment program from the general
151 29 fund of the state.

151 30 Sec. 133. FAMILY INVESTMENT PROGRAM ACCOUNT.

151 31 1. Moneys credited to the family investment program (FIP)
151 32 account for the fiscal year beginning July 1, 2012, and
151 33 ending June 30, 2013, shall be used to provide assistance in
151 34 accordance with chapter 239B.

151 35 2. The department may use a portion of the moneys credited



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152 1 to the FIP account under this section as necessary for
152 2 salaries, support, maintenance, and miscellaneous purposes.
152 3 3. The department may transfer funds allocated in
152 4 this section to the appropriations in this Act for general
152 5 administration and field operations for resources necessary to
152 6 implement and operate the services referred to in this section
152 7 and those funded in the appropriation made in this division of
152 8 this Act for the family investment program from the general
152 9 fund of the state.
152 10 4. Moneys appropriated in this division of this Act and
152 11 credited to the FIP account for the fiscal year beginning July
152 12 1, 2012, and ending June 30, 2013, are allocated as follows:
152 13 a. To be retained by the department of human services to
152 14 be used for coordinating with the department of human rights
152 15 to more effectively serve participants in the FIP program and
152 16 other shared clients and to meet federal reporting requirements
152 17 under the federal temporary assistance for needy families block
152 18 grant:
152 19 \$ 10,000
152 20 b. To the department of human rights for staffing,
152 21 administration, and implementation of the family development
152 22 and self=sufficiency grant program in accordance with section
152 23 216A.107:
152 24 \$ 2,671,417
152 25 (1) Of the funds allocated for the family development and
152 26 self=sufficiency grant program in this lettered paragraph,
152 27 not more than 5 percent of the funds shall be used for the
152 28 administration of the grant program.
152 29 (2) The department of human rights may continue to implement
152 30 the family development and self=sufficiency grant program
152 31 statewide during fiscal year 2012=2013.
152 32 c. For the diversion subaccount of the FIP account:
152 33 \$ 849,200
152 34 A portion of the moneys allocated for the subaccount may
152 35 be used for field operations salaries, data management system



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153 1 development, and implementation costs and support deemed
153 2 necessary by the director of human services in order to
153 3 administer the FIP diversion program.
153 4 d. For the food stamp employment and training program:
153 5 \$ 33,294
153 6 (1) The department shall amend the food stamp employment and
153 7 training state plan in order to maximize to the fullest extent
153 8 permitted by federal law the use of the 50=50 match provisions
153 9 for the claiming of allowable federal matching funds from the
153 10 United States department of agriculture pursuant to the federal
153 11 food stamp employment and training program for providing
153 12 education, employment, and training services for eligible food
153 13 assistance program participants, including but not limited to
153 14 related dependent care and transportation expenses.
153 15 (2) The department shall continue the categorical federal
153 16 food assistance program eligibility at 160 percent of the
153 17 federal poverty level and continue to eliminate the asset test
153 18 from eligibility requirements, consistent with federal food
153 19 assistance program requirements. The department shall include
153 20 as many food assistance households as is allowed by federal
153 21 law. The eligibility provisions shall conform to all federal
153 22 requirements including requirements addressing individuals who
153 23 are incarcerated or otherwise ineligible.
153 24 e. For the JOBS program:
153 25 \$ 10,117,953
153 26 5. Of the child support collections assigned under FIP,
153 27 an amount equal to the federal share of support collections
153 28 shall be credited to the child support recovery appropriation
153 29 made in this division of this Act. Of the remainder of the
153 30 assigned child support collections received by the child
153 31 support recovery unit, a portion shall be credited to the FIP
153 32 account, a portion may be used to increase recoveries, and a
153 33 portion may be used to sustain cash flow in the child support
153 34 payments account. If as a consequence of the appropriations
153 35 and allocations made in this section the resulting amounts



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154 1 are insufficient to sustain cash assistance payments and meet
154 2 federal maintenance of effort requirements, the department
154 3 shall seek supplemental funding. If child support collections
154 4 assigned under FIP are greater than estimated or are otherwise
154 5 determined not to be required for maintenance of effort, the
154 6 state share of either amount may be transferred to or retained
154 7 in the child support payment account.
154 8 6. The department may adopt emergency rules for the family
154 9 investment, JOBS, food stamp, and medical assistance programs
154 10 if necessary to comply with federal requirements.
154 11 Sec. 134. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
154 12 is appropriated from the general fund of the state to the
154 13 department of human services for the fiscal year beginning July
154 14 1, 2012, and ending June 30, 2013, the following amount, or
154 15 so much thereof as is necessary, to be used for the purpose
154 16 designated:
154 17 To be credited to the family investment program (FIP)
154 18 account and used for family investment program assistance under
154 19 chapter 239B:
154 20 \$ 25,085,514
154 21 1. Of the funds appropriated in this section, \$3,912,189 is
154 22 allocated for the JOBS program.
154 23 2. Of the funds appropriated in this section, \$1,231,927 is
154 24 allocated for the family development and self-sufficiency grant
154 25 program.
154 26 3. Notwithstanding section 8.39, for the fiscal year
154 27 beginning July 1, 2012, if necessary to meet federal
154 28 maintenance of effort requirements or to transfer federal
154 29 temporary assistance for needy families block grant funding
154 30 to be used for purposes of the federal social services block
154 31 grant or to meet cash flow needs resulting from delays in
154 32 receiving federal funding or to implement, in accordance with
154 33 this division of this Act, activities currently funded with
154 34 juvenile court services, county, or community moneys and state
154 35 moneys used in combination with such moneys, the department



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155 1 of human services may transfer funds within or between any
155 2 of the appropriations made in this division of this Act and
155 3 appropriations in law for the federal social services block
155 4 grant to the department for the following purposes, provided
155 5 that the combined amount of state and federal temporary
155 6 assistance for needy families block grant funding for each
155 7 appropriation remains the same before and after the transfer:
155 8 a. For the family investment program.
155 9 b. For child care assistance.
155 10 c. For child and family services.
155 11 d. For field operations.
155 12 e. For general administration.
155 13 f. MH/MR/DD/BI community services (local purchase).
155 14 This subsection shall not be construed to prohibit the use
155 15 of existing state transfer authority for other purposes. The
155 16 department shall report any transfers made pursuant to this
155 17 subsection to the legislative services agency.
155 18 4. Of the funds appropriated in this section, \$97,839 shall
155 19 be used for continuation of a grant to an Iowa-based nonprofit
155 20 organization with a history of providing tax preparation
155 21 assistance to low-income Iowans in order to expand the usage of
155 22 the earned income tax credit. The purpose of the grant is to
155 23 supply this assistance to underserved areas of the state.
155 24 Sec. 135. CHILD SUPPORT RECOVERY. There is appropriated
155 25 from the general fund of the state to the department of human
155 26 services for the fiscal year beginning July 1, 2012, and ending
155 27 June 30, 2013, the following amount, or so much thereof as is
155 28 necessary, to be used for the purposes designated:
155 29 For child support recovery, including salaries, support,
155 30 maintenance, and miscellaneous purposes, and for not more than
155 31 the following full-time equivalent positions:
155 32 \$ 6,559,628
155 33 FTEs 475.00
155 34 1. The department shall expend up to \$12,165, including
155 35 federal financial participation, for the fiscal year beginning



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156 1 July 1, 2012, for a child support public awareness campaign.
156 2 The department and the office of the attorney general shall
156 3 cooperate in continuation of the campaign. The public
156 4 awareness campaign shall emphasize, through a variety of
156 5 media activities, the importance of maximum involvement of
156 6 both parents in the lives of their children as well as the
156 7 importance of payment of child support obligations.
156 8 2. Federal access and visitation grant moneys shall be
156 9 issued directly to private not-for-profit agencies that provide
156 10 services designed to increase compliance with the child access
156 11 provisions of court orders, including but not limited to
156 12 neutral visitation sites and mediation services.
156 13 3. The appropriation made to the department for child
156 14 support recovery may be used throughout the fiscal year in the
156 15 manner necessary for purposes of cash flow management, and for
156 16 cash flow management purposes the department may temporarily
156 17 draw more than the amount appropriated, provided the amount
156 18 appropriated is not exceeded at the close of the fiscal year.
156 19 4. With the exception of the funding amount specified, the
156 20 requirements established under 2001 Iowa Acts, chapter 191,
156 21 section 3, subsection 5, paragraph "c", subparagraph (3), shall
156 22 be applicable to parental obligation pilot projects for the
156 23 fiscal year beginning July 1, 2012, and ending June 30, 2013.
156 24 Notwithstanding 441 IAC 100.8, providing for termination of
156 25 rules relating to the pilot projects, the rules shall remain
156 26 in effect until June 30, 2013.
156 27 Sec. 136. HEALTH CARE TRUST FUND ==== MEDICAL ASSISTANCE. Any
156 28 funds remaining in the health care trust fund created in
156 29 section 453A.35A for the fiscal year beginning July 1, 2012,
156 30 and ending June 30, 2013, are appropriated to the department
156 31 of human services to supplement the medical assistance program
156 32 appropriations made in this Act, for medical assistance
156 33 reimbursement and associated costs, including program
156 34 administration and costs associated with implementation.
156 35 Sec. 137. MEDICAL ASSISTANCE. There is appropriated from



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157 1 the general fund of the state to the department of human
157 2 services for the fiscal year beginning July 1, 2012, and ending
157 3 June 30, 2013, the following amount, or so much thereof as is
157 4 necessary, to be used for the purpose designated:
157 5 For medical assistance reimbursement and associated costs
157 6 as specifically provided in the reimbursement methodologies
157 7 in effect on June 30, 2012, except as otherwise expressly
157 8 authorized by law, including reimbursement for abortion
157 9 services which shall be available under the medical assistance
157 10 program only for those abortions which are medically necessary:
157 11 \$897,816,915
157 12 1. Medically necessary abortions are those performed under
157 13 any of the following conditions:
157 14 a. The attending physician certifies that continuing the
157 15 pregnancy would endanger the life of the pregnant woman.
157 16 b. The attending physician certifies that the fetus is
157 17 physically deformed, mentally deficient, or afflicted with a
157 18 congenital illness.
157 19 c. The pregnancy is the result of a rape which is reported
157 20 within 45 days of the incident to a law enforcement agency or
157 21 public or private health agency which may include a family
157 22 physician.
157 23 d. The pregnancy is the result of incest which is reported
157 24 within 150 days of the incident to a law enforcement agency
157 25 or public or private health agency which may include a family
157 26 physician.
157 27 e. Any spontaneous abortion, commonly known as a
157 28 miscarriage, if not all of the products of conception are
157 29 expelled.
157 30 2. The department shall utilize not more than \$60,000 of
157 31 the funds appropriated in this section to continue the AIDS/HIV
157 32 health insurance premium payment program as established in 1992
157 33 Iowa Acts, Second Extraordinary Session, chapter 1001, section
157 34 409, subsection 6. Of the funds allocated in this subsection,
157 35 not more than \$5,000 may be expended for administrative



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158 1 purposes.

158 2 3. Of the funds appropriated in this Act to the department
158 3 of public health for addictive disorders, \$950,000 for the
158 4 fiscal year beginning July 1, 2012, shall be transferred to
158 5 the department of human services for an integrated substance
158 6 abuse managed care system. The department shall not assume
158 7 management of the substance abuse system in place of the
158 8 managed care contractor unless such a change in approach is
158 9 specifically authorized in law. The departments of human
158 10 services and public health shall work together to maintain
158 11 the level of mental health and substance abuse services
158 12 provided by the managed care contractor through the Iowa plan
158 13 for behavioral health. Each department shall take the steps
158 14 necessary to continue the federal waivers as necessary to
158 15 maintain the level of services.

158 16 4. a. The department shall aggressively pursue options for
158 17 providing medical assistance or other assistance to individuals
158 18 with special needs who become ineligible to continue receiving
158 19 services under the early and periodic screening, diagnostic,
158 20 and treatment program under the medical assistance program
158 21 due to becoming 21 years of age who have been approved for
158 22 additional assistance through the department's exception to
158 23 policy provisions, but who have health care needs in excess
158 24 of the funding available through the exception to policy
158 25 provisions.

158 26 b. Of the funds appropriated in this section, \$100,000
158 27 shall be used for participation in one or more pilot projects
158 28 operated by a private provider to allow the individual or
158 29 individuals to receive service in the community in accordance
158 30 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
158 31 (1999), for the purpose of providing medical assistance or
158 32 other assistance to individuals with special needs who become
158 33 ineligible to continue receiving services under the early and
158 34 periodic screening, diagnosis, and treatment program under
158 35 the medical assistance program due to becoming 21 years of



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159 1 age who have been approved for additional assistance through
159 2 the department's exception to policy provisions, but who have
159 3 health care needs in excess of the funding available through
159 4 the exception to the policy provisions.
159 5 5. Of the funds appropriated in this section, up to
159 6 \$3,050,082 may be transferred to the field operations
159 7 or general administration appropriations in this Act for
159 8 operational costs associated with Part D of the federal
159 9 Medicare Prescription Drug Improvement and Modernization Act
159 10 of 2003, Pub. L. No. 108=173.
159 11 6. Of the funds appropriated in this section, up to \$442,100
159 12 may be transferred to the appropriation in this Act for medical
159 13 contracts to be used for clinical assessment services and prior
159 14 authorization of services.
159 15 7. A portion of the funds appropriated in this section
159 16 may be transferred to the appropriations in this division of
159 17 this Act for general administration, medical contracts, the
159 18 children's health insurance program, or field operations to be
159 19 used for the state match cost to comply with the payment error
159 20 rate measurement (PERM) program for both the medical assistance
159 21 and children's health insurance programs as developed by the
159 22 centers for Medicare and Medicaid services of the United States
159 23 department of health and human services to comply with the
159 24 federal Improper Payments Information Act of 2002, Pub. L. No.
159 25 107=300.
159 26 8. It is the intent of the general assembly that the
159 27 department continue to implement the recommendations of
159 28 the assuring better child health and development initiative
159 29 II (ABCDII) clinical panel to the Iowa early and periodic
159 30 screening, diagnostic, and treatment services healthy mental
159 31 development collaborative board regarding changes to billing
159 32 procedures, codes, and eligible service providers.
159 33 9. Of the funds appropriated in this section, a sufficient
159 34 amount is allocated to supplement the incomes of residents of
159 35 nursing facilities, intermediate care facilities for persons



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160 1 with mental illness, and intermediate care facilities for
160 2 persons with mental retardation, with incomes of less than \$50
160 3 in the amount necessary for the residents to receive a personal
160 4 needs allowance of \$50 per month pursuant to section 249A.30A.
160 5 10. Of the funds appropriated in this section, the following
160 6 amounts shall be transferred to the appropriations made in this
160 7 division of this Act for the state mental health institutes:
160 8 a. Cherokee mental health institute \$ 9,098,425
160 9 b. Clarinda mental health institute \$ 1,977,305
160 10 c. Independence mental health institute \$ 9,045,894
160 11 d. Mount Pleasant mental health institute \$ 5,752,587
160 12 11. a. Of the funds appropriated in this section,
160 13 \$7,425,684 is allocated for the state match for a
160 14 disproportionate share hospital payment of \$19,133,430 to
160 15 hospitals that meet both of the conditions specified in
160 16 subparagraphs (1) and (2). In addition, the hospitals that
160 17 meet the conditions specified shall either certify public
160 18 expenditures or transfer to the medical assistance program
160 19 an amount equal to provide the nonfederal share for a
160 20 disproportionate share hospital payment of \$7,500,000. The
160 21 hospitals that meet the conditions specified shall receive and
160 22 retain 100 percent of the total disproportionate share hospital
160 23 payment of \$26,633,430.
160 24 (1) The hospital qualifies for disproportionate share and
160 25 graduate medical education payments.
160 26 (2) The hospital is an Iowa state-owned hospital with more
160 27 than 500 beds and eight or more distinct residency specialty
160 28 or subspecialty programs recognized by the American college of
160 29 graduate medical education.
160 30 b. Distribution of the disproportionate share payments
160 31 shall be made on a monthly basis. The total amount of
160 32 disproportionate share payments including graduate medical
160 33 education, enhanced disproportionate share, and Iowa
160 34 state-owned teaching hospital payments shall not exceed the
160 35 amount of the state's allotment under Pub. L. No. 102=234.



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161 1 In addition, the total amount of all disproportionate
161 2 share payments shall not exceed the hospital-specific
161 3 disproportionate share limits under Pub. L. No. 103=66.
161 4 12. The university of Iowa hospitals and clinics shall
161 5 either certify public expenditures or transfer to the medical
161 6 assistance appropriation an amount equal to provide the
161 7 nonfederal share for increased medical assistance payments for
161 8 inpatient and outpatient hospital services of \$9,900,000. The
161 9 university of Iowa hospitals and clinics shall receive and
161 10 retain 100 percent of the total increase in medical assistance
161 11 payments.
161 12 13. Of the funds appropriated in this section, up to
161 13 \$4,480,304 may be transferred to the IowaCare account created
161 14 in section 249J.24.
161 15 14. Of the funds appropriated in this section, \$200,000
161 16 shall be used for the Iowa chronic care consortium pursuant to
161 17 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
161 18 Iowa Acts, chapter 179, sections 166 and 167.
161 19 15. One hundred percent of the nonfederal share of payments
161 20 to area education agencies that are medical assistance
161 21 providers for medical assistance-covered services provided to
161 22 medical assistance-covered children, shall be made from the
161 23 appropriation made in this section.
161 24 16. Any new or renewed contract entered into by the
161 25 department with a third party to administer behavioral health
161 26 services under the medical assistance program shall provide
161 27 that any interest earned on payments from the state during
161 28 the state fiscal year shall be remitted to the department
161 29 and treated as recoveries to offset the costs of the medical
161 30 assistance program.
161 31 17. The department shall continue to implement the
161 32 provisions in 2007 Iowa Acts, chapter 218, section 124 and
161 33 section 126, as amended by 2008 Iowa Acts, chapter 1188,
161 34 section 55, relating to eligibility for certain persons with
161 35 disabilities under the medical assistance program in accordance



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162 1 with the federal family opportunity Act.

162 2 18. A portion of the funds appropriated in this section
162 3 may be transferred to the appropriation in this division of
162 4 this Act for medical contracts to be used for administrative
162 5 activities associated with the money follows the person
162 6 demonstration project.

162 7 19. Of the funds appropriated in this section, \$349,011
162 8 shall be used for the administration of the health insurance
162 9 premium payment program, including salaries, support,
162 10 maintenance, and miscellaneous purposes for the fiscal year
162 11 beginning July 1, 2012.

162 12 20. a. The department may continue to implement cost
162 13 containment strategies recommended by the governor, and may
162 14 adopt emergency rules for such implementation.

162 15 b. The department shall not implement the cost containment
162 16 strategy to require a primary care referral for the provision
162 17 of chiropractic services.

162 18 c. The department may increase the amounts allocated for
162 19 salaries, support, maintenance, and miscellaneous purposes
162 20 associated with the medical assistance program, as necessary,
162 21 to implement the cost containment strategies. The department
162 22 shall report any such increase to the legislative services
162 23 agency and the department of management.

162 24 d. If the savings to the medical assistance program exceed
162 25 the cost, the department may transfer any savings generated
162 26 for the fiscal year due to medical assistance program cost
162 27 containment efforts initiated pursuant to 2010 Iowa Acts,
162 28 chapter 1031, Executive Order No. 20, issued December 16, 2009,
162 29 or cost containment strategies initiated pursuant to this
162 30 subsection, to the appropriation made in this division of this
162 31 Act for medical contracts or general administration to defray
162 32 the increased contract costs associated with implementing such
162 33 efforts.

162 34 e. The department shall report the implementation of
162 35 any cost containment strategies under this subsection to



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163 1 the individuals specified in this division of this Act for
163 2 submission of reports on a quarterly basis.
163 3 21. Notwithstanding any provision of law to the contrary,
163 4 the department of human services shall continue implementation
163 5 of the amended section 1915(b) waiver and Iowa plan contract
163 6 for inclusion of remedial services under the Iowa plan contract
163 7 for the fiscal year beginning July 1, 2012.
163 8 22. Of the funds appropriated in this section, \$5,000,000
163 9 shall be used to continue reductions in the waiting lists
163 10 of the medical assistance home and community-based services
163 11 waivers, including the waiver for persons with intellectual
163 12 disabilities for which the nonfederal share is paid as
163 13 state case services and other support pursuant to section
163 14 331.440. The department shall distribute the funding allocated
163 15 under this subsection proportionately among all home and
163 16 community-based services waivers.
163 17 Sec. 138. MEDICAL CONTRACTS. There is appropriated from the
163 18 general fund of the state to the department of human services
163 19 for the fiscal year beginning July 1, 2012, and ending June 30,
163 20 2013, the following amount, or so much thereof as is necessary,
163 21 to be used for the purpose designated:
163 22 For medical contracts:
163 23 \$ 4,946,922
163 24 1. The department of inspections and appeals shall
163 25 provide all state matching funds for survey and certification
163 26 activities performed by the department of inspections
163 27 and appeals. The department of human services is solely
163 28 responsible for distributing the federal matching funds for
163 29 such activities.
163 30 2. Of the funds appropriated in this section, \$75,000
163 31 shall be used for continued implementation of a uniform cost
163 32 report to be used in the development of specified Medicaid
163 33 reimbursement rates over a multiyear timeframe as specified in
163 34 this Act for FY 2011=2012.
163 35 3. a. Of the funds appropriated in this section,



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164 1 \$50,000 shall be used for continued implementation of an
164 2 electronic medical record system, including system purchase or
164 3 development, for home and community-based services providers
164 4 and mental health services providers that comply with the
164 5 requirements of federal and state laws and regulation by the
164 6 fiscal year beginning July 1, 2013.
164 7 b. Notwithstanding section 8.33, funds allocated in this
164 8 subsection that remain unencumbered or unobligated at the close
164 9 of the fiscal year shall not revert but shall remain available
164 10 in succeeding fiscal years to be used for the purposes
164 11 designated.
164 12 4. Of the amount appropriated in this section, \$175,000
164 13 shall be used for technology upgrades necessary to support
164 14 Medicaid claims and other health operations, worldwide federal
164 15 Health Insurance Portability and Accountability Act of 1996
164 16 (HIPAA) claims, transactions, and coding requirements, and the
164 17 Iowa automated benefits calculation system. Notwithstanding
164 18 section 8.33, funds allocated in this subsection that remain
164 19 unencumbered or unobligated at the close of the fiscal year
164 20 shall not revert but shall remain available in succeeding
164 21 fiscal years to be used for the purposes designated.
164 22 5. Of the funds appropriated in this section, \$50,000
164 23 shall be used for the continuation of an accountable care
164 24 organization pilot project as specified in this Act relating to
164 25 prior appropriations and related changes for FY 2011=2012.
164 26 6. Of the funds appropriated in this section, \$100,000
164 27 shall be used for the continued development of a provider
164 28 payment system plan to provide recommendations to reform the
164 29 health care provider payment system as an effective way to
164 30 promote coordination of care, lower costs, and improve quality
164 31 as specified in the division of this Act relating to cost
164 32 containment for FY 2011=2012.
164 33 7. Of the funds appropriated in this section, \$10,000 shall
164 34 be used for the continued development of a plan to establish
164 35 an all-payer claims database to provide for the collection



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165 1 and analysis of claims data from multiple payers of health
165 2 care as specified in the division of this Act relating to cost
165 3 containment for FY 2011=2012.
165 4 8. Of the funds appropriated in this section, \$25,000 shall
165 5 be used for continuation of home and community-based services
165 6 waiver quality assurance programs, including the review and
165 7 streamlining of processes and policies related to oversight and
165 8 quality management to meet state and federal requirements.
165 9 Sec. 139. STATE SUPPLEMENTARY ASSISTANCE.
165 10 1. There is appropriated from the general fund of the
165 11 state to the department of human services for the fiscal year
165 12 beginning July 1, 2012, and ending June 30, 2013, the following
165 13 amount, or so much thereof as is necessary, to be used for the
165 14 purpose designated:
165 15 For the state supplementary assistance program:
165 16 \$ 8,425,374
165 17 2. The department shall increase the personal needs
165 18 allowance for residents of residential care facilities by the
165 19 same percentage and at the same time as federal supplemental
165 20 security income and federal social security benefits are
165 21 increased due to a recognized increase in the cost of living.
165 22 The department may adopt emergency rules to implement this
165 23 subsection.
165 24 3. If during the fiscal year beginning July 1, 2012,
165 25 the department projects that state supplementary assistance
165 26 expenditures for a calendar year will not meet the federal
165 27 pass-through requirement specified in Tit. XVI of the federal
165 28 Social Security Act, section 1618, as codified in 42 U.S.C.
165 29 { 1382g, the department may take actions including but not
165 30 limited to increasing the personal needs allowance for
165 31 residential care facility residents and making programmatic
165 32 adjustments or upward adjustments of the residential care
165 33 facility or in-home health-related care reimbursement rates
165 34 prescribed in this division of this Act to ensure that federal
165 35 requirements are met. In addition, the department may make



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166 1 other programmatic and rate adjustments necessary to remain
166 2 within the amount appropriated in this section while ensuring
166 3 compliance with federal requirements. The department may adopt
166 4 emergency rules to implement the provisions of this subsection.
166 5 Sec. 140. CHILDREN'S HEALTH INSURANCE PROGRAM.
166 6 1. There is appropriated from the general fund of the
166 7 state to the department of human services for the fiscal year
166 8 beginning July 1, 2012, and ending June 30, 2013, the following
166 9 amount, or so much thereof as is necessary, to be used for the
166 10 purpose designated:
166 11 For maintenance of the healthy and well kids in Iowa (hawk=i)
166 12 program pursuant to chapter 514I, including supplemental dental
166 13 services, for receipt of federal financial participation under
166 14 Tit. XXI of the federal Social Security Act, which creates the
166 15 children's health insurance program:
166 16 \$ 16,403,051
166 17 2. Of the funds appropriated in this section, \$64,475 is
166 18 allocated for continuation of the contract for advertising and
166 19 outreach with the department of public health.
166 20 Sec. 141. CHILD CARE ASSISTANCE. There is appropriated
166 21 from the general fund of the state to the department of human
166 22 services for the fiscal year beginning July 1, 2012, and ending
166 23 June 30, 2013, the following amount, or so much thereof as is
166 24 necessary, to be used for the purpose designated:
166 25 For child care programs:
166 26 \$ 27,632,755
166 27 1. Of the funds appropriated in this section, \$26,948,041
166 28 shall be used for state child care assistance in accordance
166 29 with section 237A.13.
166 30 2. Nothing in this section shall be construed or is
166 31 intended as or shall imply a grant of entitlement for services
166 32 to persons who are eligible for assistance due to an income
166 33 level consistent with the waiting list requirements of section
166 34 237A.13. Any state obligation to provide services pursuant to
166 35 this section is limited to the extent of the funds appropriated



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167 1 in this section.

167 2 3. Of the funds appropriated in this section, \$216,227 is
167 3 allocated for the statewide program for child care resource
167 4 and referral services under section 237A.26. A list of the
167 5 registered and licensed child care facilities operating in the
167 6 area served by a child care resource and referral service shall
167 7 be made available to the families receiving state child care
167 8 assistance in that area.

167 9 4. Of the funds appropriated in this section, \$468,487
167 10 is allocated for child care quality improvement initiatives
167 11 including but not limited to the voluntary quality rating
167 12 system in accordance with section 237A.30.

167 13 5. The department may use any of the funds appropriated
167 14 in this section as a match to obtain federal funds for use in
167 15 expanding child care assistance and related programs. For
167 16 the purpose of expenditures of state and federal child care
167 17 funding, funds shall be considered obligated at the time
167 18 expenditures are projected or are allocated to the department's
167 19 service areas. Projections shall be based on current and
167 20 projected caseload growth, current and projected provider
167 21 rates, staffing requirements for eligibility determination
167 22 and management of program requirements including data systems
167 23 management, staffing requirements for administration of the
167 24 program, contractual and grant obligations and any transfers
167 25 to other state agencies, and obligations for decategorization
167 26 or innovation projects.

167 27 6. A portion of the state match for the federal child care
167 28 and development block grant shall be provided as necessary to
167 29 meet federal matching funds requirements through the state
167 30 general fund appropriation made for child development grants
167 31 and other programs for at-risk children in section 279.51.

167 32 7. If a uniform reduction ordered by the governor under
167 33 section 8.31 or other operation of law, transfer, or federal
167 34 funding reduction reduces the appropriation made in this
167 35 section for the fiscal year, the percentage reduction in the



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168 1 amount paid out to or on behalf of the families participating
168 2 in the state child care assistance program shall be equal to or
168 3 less than the percentage reduction made for any other purpose
168 4 payable from the appropriation made in this section and the
168 5 federal funding relating to it. The percentage reduction to
168 6 the other allocations made in this section shall be the same as
168 7 the uniform reduction ordered by the governor or the percentage
168 8 change of the federal funding reduction, as applicable.

168 9 If there is an unanticipated increase in federal funding
168 10 provided for state child care assistance, the entire amount
168 11 of the increase shall be used for state child care assistance
168 12 payments. If the appropriations made for purposes of the
168 13 state child care assistance program for the fiscal year are
168 14 determined to be insufficient, it is the intent of the general
168 15 assembly to appropriate sufficient funding for the fiscal year
168 16 in order to avoid establishment of waiting list requirements.

168 17 8. Notwithstanding section 8.33, moneys appropriated in
168 18 this section or received from the federal appropriations made
168 19 for the purposes of this section that remain unencumbered or
168 20 unobligated at the close of the fiscal year shall not revert
168 21 to any fund but shall remain available for expenditure for the
168 22 purposes designated until the close of the succeeding fiscal
168 23 year.

168 24 Sec. 142. JUVENILE INSTITUTIONS. There is appropriated
168 25 from the general fund of the state to the department of human
168 26 services for the fiscal year beginning July 1, 2012, and ending
168 27 June 30, 2013, the following amounts, or so much thereof as is
168 28 necessary, to be used for the purposes designated:

168 29 1. For operation of the Iowa juvenile home at Toledo and for
168 30 salaries, support, maintenance, and miscellaneous purposes, and
168 31 for not more than the following full-time equivalent positions:
168 32 \$ 4,129,126
168 33 FTEs 114.00

168 34 2. For operation of the state training school at Eldora and
168 35 for salaries, support, maintenance, and miscellaneous purposes,



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169 1 and for not more than the following full-time equivalent
169 2 positions:
169 3 \$ 5,319,339
169 4 FTEs 164.30
169 5 Of the funds appropriated in this subsection, \$45,575 shall
169 6 be used for distribution to licensed classroom teachers at this
169 7 and other institutions under the control of the department of
169 8 human services based upon the average student yearly enrollment
169 9 at each institution as determined by the department.
169 10 3. A portion of the moneys appropriated in this section
169 11 shall be used by the state training school and by the Iowa
169 12 juvenile home for grants for adolescent pregnancy prevention
169 13 activities at the institutions in the fiscal year beginning
169 14 July 1, 2012.
169 15 Sec. 143. CHILD AND FAMILY SERVICES.
169 16 1. There is appropriated from the general fund of the
169 17 state to the department of human services for the fiscal year
169 18 beginning July 1, 2012, and ending June 30, 2013, the following
169 19 amount, or so much thereof as is necessary, to be used for the
169 20 purpose designated:
169 21 For child and family services:
169 22 \$ 41,538,668
169 23 2. In order to address a reduction of \$5,200,000 from the
169 24 amount allocated under the appropriation made for the purposes
169 25 of this section in prior years for purposes of juvenile
169 26 delinquent graduated sanction services, up to \$2,600,000 of the
169 27 amount of federal temporary assistance for needy families block
169 28 grant funding appropriated in this division of this Act for
169 29 child and family services shall be made available for purposes
169 30 of juvenile delinquent graduated sanction services.
169 31 3. The department may transfer funds appropriated in this
169 32 section as necessary to pay the nonfederal costs of services
169 33 reimbursed under the medical assistance program, state child
169 34 care assistance program, or the family investment program which
169 35 are provided to children who would otherwise receive services



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170 1 paid under the appropriation in this section. The department
170 2 may transfer funds appropriated in this section to the
170 3 appropriations made in this division of this Act for general
170 4 administration and for field operations for resources necessary
170 5 to implement and operate the services funded in this section.
170 6 4. a. Of the funds appropriated in this section, up to
170 7 \$15,084,565 is allocated as the statewide expenditure target
170 8 under section 232.143 for group foster care maintenance and
170 9 services. If the department projects that such expenditures
170 10 for the fiscal year will be less than the target amount
170 11 allocated in this lettered paragraph, the department may
170 12 reallocate the excess to provide additional funding for shelter
170 13 care or the child welfare emergency services addressed with the
170 14 allocation for shelter care.
170 15 b. If at any time after September 30, 2012, annualization
170 16 of a service area's current expenditures indicates a service
170 17 area is at risk of exceeding its group foster care expenditure
170 18 target under section 232.143 by more than 5 percent, the
170 19 department and juvenile court services shall examine all
170 20 group foster care placements in that service area in order to
170 21 identify those which might be appropriate for termination.
170 22 In addition, any aftercare services believed to be needed
170 23 for the children whose placements may be terminated shall be
170 24 identified. The department and juvenile court services shall
170 25 initiate action to set dispositional review hearings for the
170 26 placements identified. In such a dispositional review hearing,
170 27 the juvenile court shall determine whether needed aftercare
170 28 services are available and whether termination of the placement
170 29 is in the best interest of the child and the community.
170 30 5. In accordance with the provisions of section 232.188,
170 31 the department shall continue the child welfare and juvenile
170 32 justice funding initiative during fiscal year 2012=2013. Of
170 33 the funds appropriated in this section, \$858,877 is allocated
170 34 specifically for expenditure for fiscal year 2012=2013 through
170 35 the decategorization service funding pools and governance



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171 1 boards established pursuant to section 232.188.
171 2 6. A portion of the funds appropriated in this section
171 3 may be used for emergency family assistance to provide other
171 4 resources required for a family participating in a family
171 5 preservation or reunification project or successor project to
171 6 stay together or to be reunified.
171 7 7. Notwithstanding section 234.35 or any other provision
171 8 of law to the contrary, state funding for shelter care and
171 9 the child welfare emergency services contracting implemented
171 10 to provide for or prevent the need for shelter care shall
171 11 be limited to \$3,785,058. The department may continue or
171 12 execute contracts that result from the department's request
171 13 for proposal, bid number ACFS=11=114, to provide the range of
171 14 child welfare emergency services described in the request for
171 15 proposals, and any subsequent amendments to the request for
171 16 proposals.
171 17 8. Federal funds received by the state during the fiscal
171 18 year beginning July 1, 2012, as the result of the expenditure
171 19 of state funds appropriated during a previous state fiscal
171 20 year for a service or activity funded under this section are
171 21 appropriated to the department to be used as additional funding
171 22 for services and purposes provided for under this section.
171 23 Notwithstanding section 8.33, moneys received in accordance
171 24 with this subsection that remain unencumbered or unobligated at
171 25 the close of the fiscal year shall not revert to any fund but
171 26 shall remain available for the purposes designated until the
171 27 close of the succeeding fiscal year.
171 28 9. Of the funds appropriated in this section, at least
171 29 \$1,848,143 shall be used for protective child care assistance.
171 30 10. a. Of the funds appropriated in this section, up to
171 31 \$1,031,244 is allocated for the payment of the expenses of
171 32 court=ordered services provided to juveniles who are under the
171 33 supervision of juvenile court services, which expenses are a
171 34 charge upon the state pursuant to section 232.141, subsection
171 35 4. Of the amount allocated in this lettered paragraph, up



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172 1 to \$778,144 shall be made available to provide school=based
172 2 supervision of children adjudicated under chapter 232, of which
172 3 not more than \$7,500 may be used for the purpose of training.
172 4 A portion of the cost of each school=based liaison officer
172 5 shall be paid by the school district or other funding source as
172 6 approved by the chief juvenile court officer.
172 7 b. Of the funds appropriated in this section, up to \$374,493
172 8 is allocated for the payment of the expenses of court=ordered
172 9 services provided to children who are under the supervision
172 10 of the department, which expenses are a charge upon the state
172 11 pursuant to section 232.141, subsection 4.
172 12 c. Notwithstanding section 232.141 or any other provision
172 13 of law to the contrary, the amounts allocated in this
172 14 subsection shall be distributed to the judicial districts
172 15 as determined by the state court administrator and to the
172 16 department's service areas as determined by the administrator
172 17 of the department's division of child and family services. The
172 18 state court administrator and the division administrator shall
172 19 make the determination of the distribution amounts on or before
172 20 June 15, 2012.
172 21 d. Notwithstanding chapter 232 or any other provision of
172 22 law to the contrary, a district or juvenile court shall not
172 23 order any service which is a charge upon the state pursuant
172 24 to section 232.141 if there are insufficient court=ordered
172 25 services funds available in the district court or departmental
172 26 service area distribution amounts to pay for the service. The
172 27 chief juvenile court officer and the departmental service area
172 28 manager shall encourage use of the funds allocated in this
172 29 subsection such that there are sufficient funds to pay for
172 30 all court=related services during the entire year. The chief
172 31 juvenile court officers and departmental service area managers
172 32 shall attempt to anticipate potential surpluses and shortfalls
172 33 in the distribution amounts and shall cooperatively request the
172 34 state court administrator or division administrator to transfer
172 35 funds between the judicial districts' or departmental service



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173 1 areas' distribution amounts as prudent.
173 2 e. Notwithstanding any provision of law to the contrary,
173 3 a district or juvenile court shall not order a county to pay
173 4 for any service provided to a juvenile pursuant to an order
173 5 entered under chapter 232 which is a charge upon the state
173 6 under section 232.141, subsection 4.
173 7 f. Of the funds allocated in this subsection, not more than
173 8 \$41,500 may be used by the judicial branch for administration
173 9 of the requirements under this subsection.
173 10 g. Of the funds allocated in this subsection, \$8,500
173 11 shall be used by the department of human services to support
173 12 the interstate commission for juveniles in accordance with
173 13 the interstate compact for juveniles as provided in section
173 14 232.173.
173 15 11. Of the funds appropriated in this section, \$2,961,301 is
173 16 allocated for juvenile delinquent graduated sanctions services.
173 17 Any state funds saved as a result of efforts by juvenile court
173 18 services to earn federal Tit. IV=E match for juvenile court
173 19 services administration may be used for the juvenile delinquent
173 20 graduated sanctions services.
173 21 12. Of the funds appropriated in this section, \$494,143
173 22 shall be transferred to the department of public health to
173 23 be used for the child protection center grant program in
173 24 accordance with section 135.118.
173 25 13. If the department receives federal approval to
173 26 implement a waiver under Tit. IV=E of the federal Social
173 27 Security Act to enable providers to serve children who remain
173 28 in the children's families and communities, for purposes of
173 29 eligibility under the medical assistance program, children who
173 30 participate in the waiver shall be considered to be placed in
173 31 foster care.
173 32 14. Of the funds appropriated in this section, \$1,534,916 is
173 33 allocated for the preparation for adult living program pursuant
173 34 to section 234.46.
173 35 15. Of the funds appropriated in this section, \$260,075



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174 1 shall be used for juvenile drug courts. The amount allocated
174 2 in this subsection shall be distributed as follows:
174 3 To the judicial branch for salaries to assist with the
174 4 operation of juvenile drug court programs operated in the
174 5 following jurisdictions:
174 6 a. Marshall county:
174 7 \$ 31,354
174 8 b. Woodbury county:
174 9 \$ 62,841
174 10 c. Polk county:
174 11 \$ 97,946
174 12 d. The third judicial district:
174 13 \$ 33,967
174 14 e. The eighth judicial district:
174 15 \$ 33,967
174 16 16. Of the funds appropriated in this section, \$113,669
174 17 shall be used for the public purpose of providing a grant to
174 18 a nonprofit human services organization providing services to
174 19 individuals and families in multiple locations in southwest
174 20 Iowa and Nebraska for support of a project providing immediate,
174 21 sensitive support and forensic interviews, medical exams, needs
174 22 assessments, and referrals for victims of child abuse and their
174 23 nonoffending family members.
174 24 17. Of the funds appropriated in this section, \$62,795
174 25 is allocated for the elevate approach of providing a support
174 26 network to children placed in foster care.
174 27 18. Of the funds appropriated in this section, \$101,000 is
174 28 allocated for use pursuant to section 235A.1 for continuation
174 29 of the initiative to address child sexual abuse implemented
174 30 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
174 31 21.
174 32 19. Of the funds appropriated in this section, \$315,120 is
174 33 allocated for the community partnership for child protection
174 34 sites.
174 35 20. Of the funds appropriated in this section, \$185,625



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175 1 is allocated for the department's minority youth and family
175 2 projects under the redesign of the child welfare system.
175 3 21. Of the funds appropriated in this section, \$600,248
175 4 is allocated for funding of the state match for the federal
175 5 substance abuse and mental health services administration
175 6 (SAMHSA) system of care grant.
175 7 22. Of the funds appropriated in this section, at least
175 8 \$73,579 shall be used for the child welfare training academy.
175 9 23. Of the funds appropriated in this section, \$12,500
175 10 shall be used for the public purpose of providing a grant to
175 11 a child welfare services provider headquartered in a county
175 12 with a population between 205,000 and 215,000 in the latest
175 13 certified federal census that provides multiple services
175 14 including but not limited to a psychiatric medical institution
175 15 for children, shelter, residential treatment, after school
175 16 programs, school-based programming, and an Asperger's syndrome
175 17 program, to be used for support services for children with
175 18 autism spectrum disorder and their families.
175 19 24. Of the funds appropriated in this section \$128,587 shall
175 20 be used for continuation of the central Iowa system of care
175 21 program grant through June 30, 2013.
175 22 Sec. 144. ADOPTION SUBSIDY.
175 23 1. There is appropriated from the general fund of the
175 24 state to the department of human services for the fiscal year
175 25 beginning July 1, 2012, and ending June 30, 2013, the following
175 26 amount, or so much thereof as is necessary, to be used for the
175 27 purpose designated:
175 28 For adoption subsidy payments and services:
175 29 \$ 17,233,296
175 30 2. The department may transfer funds appropriated in this
175 31 section to the appropriation made in this Act for general
175 32 administration for costs paid from the appropriation relating
175 33 to adoption subsidy.
175 34 3. Federal funds received by the state during the
175 35 fiscal year beginning July 1, 2012, as the result of the



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176 1 expenditure of state funds during a previous state fiscal
176 2 year for a service or activity funded under this section are
176 3 appropriated to the department to be used as additional funding
176 4 for the services and activities funded under this section.
176 5 Notwithstanding section 8.33, moneys received in accordance
176 6 with this subsection that remain unencumbered or unobligated
176 7 at the close of the fiscal year shall not revert to any fund
176 8 but shall remain available for expenditure for the purposes
176 9 designated until the close of the succeeding fiscal year.
176 10 Sec. 145. JUVENILE DETENTION HOME FUND. Moneys deposited
176 11 in the juvenile detention home fund created in section 232.142
176 12 during the fiscal year beginning July 1, 2012, and ending June
176 13 30, 2013, are appropriated to the department of human services
176 14 for the fiscal year beginning July 1, 2012, and ending June 30,
176 15 2013, for distribution of an amount equal to a percentage of
176 16 the costs of the establishment, improvement, operation, and
176 17 maintenance of county or multicounty juvenile detention homes
176 18 in the fiscal year beginning July 1, 2011. Moneys appropriated
176 19 for distribution in accordance with this section shall be
176 20 allocated among eligible detention homes, prorated on the basis
176 21 of an eligible detention home's proportion of the costs of all
176 22 eligible detention homes in the fiscal year beginning July
176 23 1, 2011. The percentage figure shall be determined by the
176 24 department based on the amount available for distribution for
176 25 the fund. Notwithstanding section 232.142, subsection 3, the
176 26 financial aid payable by the state under that provision for the
176 27 fiscal year beginning July 1, 2012, shall be limited to the
176 28 amount appropriated for the purposes of this section.
176 29 Sec. 146. FAMILY SUPPORT SUBSIDY PROGRAM.
176 30 1. There is appropriated from the general fund of the
176 31 state to the department of human services for the fiscal year
176 32 beginning July 1, 2012, and ending June 30, 2013, the following
176 33 amount, or so much thereof as is necessary, to be used for the
176 34 purpose designated:
176 35 For the family support subsidy program subject to the



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177 1 enrollment restrictions in section 225C.37, subsection 3:
177 2 \$ 583,999
177 3 2. The department shall use at least \$192,750 of the moneys
177 4 appropriated in this section for the family support center
177 5 component of the comprehensive family support program under
177 6 section 225C.47. Not more than \$12,500 of the amount allocated
177 7 in this subsection shall be used for administrative costs.
177 8 3. If at any time during the fiscal year, the amount of
177 9 funding available for the family support subsidy program
177 10 is reduced from the amount initially used to establish the
177 11 figure for the number of family members for whom a subsidy
177 12 is to be provided at any one time during the fiscal year,
177 13 notwithstanding section 225C.38, subsection 2, the department
177 14 shall revise the figure as necessary to conform to the amount
177 15 of funding available.
177 16 Sec. 147. CONNER DECREE. There is appropriated from the
177 17 general fund of the state to the department of human services
177 18 for the fiscal year beginning July 1, 2012, and ending June 30,
177 19 2013, the following amount, or so much thereof as is necessary,
177 20 to be used for the purpose designated:
177 21 For building community capacity through the coordination
177 22 and provision of training opportunities in accordance with the
177 23 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
177 24 Iowa, July 14, 1994):
177 25 \$ 16,811
177 26 Sec. 148. MENTAL HEALTH INSTITUTES. There is appropriated
177 27 from the general fund of the state to the department of human
177 28 services for the fiscal year beginning July 1, 2012, and ending
177 29 June 30, 2013, the following amounts, or so much thereof as is
177 30 necessary, to be used for the purposes designated:
177 31 1. For the state mental health institute at Cherokee for
177 32 salaries, support, maintenance, and miscellaneous purposes, and
177 33 for not more than the following full-time equivalent positions:
177 34 \$ 2,938,654
177 35 FTEs 168.50



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178 1 2. For the state mental health institute at Clarinda for
178 2 salaries, support, maintenance, and miscellaneous purposes, and
178 3 for not more than the following full=time equivalent positions:
178 4 \$ 3,205,867
178 5 FTEs 86.10
178 6 3. For the state mental health institute at Independence for
178 7 salaries, support, maintenance, and miscellaneous purposes, and
178 8 for not more than the following full=time equivalent positions:
178 9 \$ 5,137,843
178 10 FTEs 233.00
178 11 4. For the state mental health institute at Mount Pleasant
178 12 for salaries, support, maintenance, and miscellaneous purposes,
178 13 and for not more than the following full=time equivalent
178 14 positions:
178 15 \$ 472,162
178 16 FTEs 91.72
178 17 Sec. 149. STATE RESOURCE CENTERS.
178 18 1. There is appropriated from the general fund of the
178 19 state to the department of human services for the fiscal year
178 20 beginning July 1, 2012, and ending June 30, 2013, the following
178 21 amounts, or so much thereof as is necessary, to be used for the
178 22 purposes designated:
178 23 a. For the state resource center at Glenwood for salaries,
178 24 support, maintenance, and miscellaneous purposes:
178 25 \$ 9,303,901
178 26 b. For the state resource center at Woodward for salaries,
178 27 support, maintenance, and miscellaneous purposes:
178 28 \$ 6,442,829
178 29 2. The department may continue to bill for state resource
178 30 center services utilizing a scope of services approach used for
178 31 private providers of ICFMR services, in a manner which does not
178 32 shift costs between the medical assistance program, counties,
178 33 or other sources of funding for the state resource centers.
178 34 3. The state resource centers may expand the time=limited
178 35 assessment and respite services during the fiscal year.



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179 1 4. If the department's administration and the department
179 2 of management concur with a finding by a state resource
179 3 center's superintendent that projected revenues can reasonably
179 4 be expected to pay the salary and support costs for a new
179 5 employee position, or that such costs for adding a particular
179 6 number of new positions for the fiscal year would be less
179 7 than the overtime costs if new positions would not be added,
179 8 the superintendent may add the new position or positions. If
179 9 the vacant positions available to a resource center do not
179 10 include the position classification desired to be filled, the
179 11 state resource center's superintendent may reclassify any
179 12 vacant position as necessary to fill the desired position. The
179 13 superintendents of the state resource centers may, by mutual
179 14 agreement, pool vacant positions and position classifications
179 15 during the course of the fiscal year in order to assist one
179 16 another in filling necessary positions.

179 17 5. If existing capacity limitations are reached in
179 18 operating units, a waiting list is in effect for a service or
179 19 a special need for which a payment source or other funding
179 20 is available for the service or to address the special need,
179 21 and facilities for the service or to address the special need
179 22 can be provided within the available payment source or other
179 23 funding, the superintendent of a state resource center may
179 24 authorize opening not more than two units or other facilities
179 25 and begin implementing the service or addressing the special
179 26 need during fiscal year 2012=2013.

179 27 Sec. 150. MI/MR/DD STATE CASES.

179 28 1. There is appropriated from the general fund of the
179 29 state to the department of human services for the fiscal year
179 30 beginning July 1, 2012, and ending June 30, 2013, the following
179 31 amount, or so much thereof as is necessary, to be used for the
179 32 purpose designated:

179 33 For distribution to counties for state case services
179 34 for persons with mental illness, mental retardation, and
179 35 developmental disabilities in accordance with section 331.440:



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180 1 \$ 6,084,741
180 2 2. For the fiscal year beginning July 1, 2012, and ending
180 3 June 30, 2013, \$100,000 is allocated for state case services
180 4 from the amounts appropriated from the fund created in section
180 5 8.41 to the department of human services from the funds
180 6 received from the federal government under 42 U.S.C. ch. 6A,
180 7 subch. XVII, relating to the community mental health center
180 8 block grant, for the federal fiscal years beginning October
180 9 1, 2010, and ending September 30, 2011, beginning October 1,
180 10 2011, and ending September 30, 2012, and beginning October 1,
180 11 2012, and ending September 30, 2013. The allocation made in
180 12 this subsection shall be made prior to any other distribution
180 13 allocation of the appropriated federal funds.
180 14 3. Notwithstanding section 8.33, moneys appropriated in
180 15 this section that remain unencumbered or unobligated at the
180 16 close of the fiscal year shall not revert but shall remain
180 17 available for expenditure for the purposes designated until the
180 18 close of the succeeding fiscal year.
180 19 Sec. 151. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
180 20 ==== COMMUNITY SERVICES FUND. There is appropriated from
180 21 the general fund of the state to the mental health and
180 22 developmental disabilities community services fund created in
180 23 section 225C.7 for the fiscal year beginning July 1, 2012, and
180 24 ending June 30, 2013, the following amount, or so much thereof
180 25 as is necessary, to be used for the purpose designated:
180 26 For mental health and developmental disabilities community
180 27 services in accordance with this division of this Act:
180 28 \$ 14,211,100
180 29 1. Of the funds appropriated in this section, \$14,187,556
180 30 shall be allocated to counties for funding of community-based
180 31 mental health and developmental disabilities services. The
180 32 moneys shall be allocated to a county as follows:
180 33 a. Fifty percent based upon the county's proportion of the
180 34 state's population of persons with an annual income which is
180 35 equal to or less than the poverty guideline established by the



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181 1 federal office of management and budget.
181 2 b. Fifty percent based upon the county's proportion of the
181 3 state's general population.
181 4 2. a. A county shall utilize the funding the county
181 5 receives pursuant to subsection 1 for services provided to
181 6 persons with a disability, as defined in section 225C.2.
181 7 However, no more than 50 percent of the funding shall be used
181 8 for services provided to any one of the service populations.
181 9 b. A county shall use at least 50 percent of the funding the
181 10 county receives under subsection 1 for contemporary services
181 11 provided to persons with a disability, as described in rules
181 12 adopted by the department.
181 13 3. Of the funds appropriated in this section, \$23,544
181 14 shall be used to support the Iowa compass program providing
181 15 computerized information and referral services for Iowans with
181 16 disabilities and their families.
181 17 4. a. Funding appropriated for purposes of the federal
181 18 social services block grant is allocated for distribution
181 19 to counties for local purchase of services for persons with
181 20 mental illness or mental retardation or other developmental
181 21 disability.
181 22 b. The funds allocated in this subsection shall be expended
181 23 by counties in accordance with the county's county management
181 24 plan approved by the board of supervisors. A county without
181 25 an approved county management plan shall not receive allocated
181 26 funds until the county's management plan is approved.
181 27 c. The funds provided by this subsection shall be allocated
181 28 to each county as follows:
181 29 (1) Fifty percent based upon the county's proportion of the
181 30 state's population of persons with an annual income which is
181 31 equal to or less than the poverty guideline established by the
181 32 federal office of management and budget.
181 33 (2) Fifty percent based upon the amount provided to the
181 34 county for local purchase of services in the preceding fiscal
181 35 year.



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182 1 5. A county is eligible for funds under this section if the
182 2 county qualifies for a state payment as described in section
182 3 331.439.
182 4 6. The most recent population estimates issued by the United
182 5 States bureau of the census shall be applied for the population
182 6 factors utilized in this section.
182 7 Sec. 152. SEXUALLY VIOLENT PREDATORS.
182 8 1. There is appropriated from the general fund of the
182 9 state to the department of human services for the fiscal year
182 10 beginning July 1, 2012, and ending June 30, 2013, the following
182 11 amount, or so much thereof as is necessary, to be used for the
182 12 purpose designated:
182 13 For costs associated with the commitment and treatment of
182 14 sexually violent predators in the unit located at the state
182 15 mental health institute at Cherokee, including costs of legal
182 16 services and other associated costs, including salaries,
182 17 support, maintenance, and miscellaneous purposes, and for not
182 18 more than the following full-time equivalent positions:
182 19 \$ 3,775,364
182 20 FTEs 89.50
182 21 2. Unless specifically prohibited by law, if the amount
182 22 charged provides for recoupment of at least the entire amount
182 23 of direct and indirect costs, the department of human services
182 24 may contract with other states to provide care and treatment
182 25 of persons placed by the other states at the unit for sexually
182 26 violent predators at Cherokee. The moneys received under
182 27 such a contract shall be considered to be repayment receipts
182 28 and used for the purposes of the appropriation made in this
182 29 section.
182 30 Sec. 153. FIELD OPERATIONS. There is appropriated from the
182 31 general fund of the state to the department of human services
182 32 for the fiscal year beginning July 1, 2012, and ending June 30,
182 33 2013, the following amount, or so much thereof as is necessary,
182 34 to be used for the purposes designated:
182 35 For field operations, including salaries, support,



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183 1 maintenance, and miscellaneous purposes, and for not more than
183 2 the following full-time equivalent positions:
183 3 \$ 27,394,961
183 4 FTEs 1,781.00
183 5 Priority in filling full-time equivalent positions shall be
183 6 given to those positions related to child protection services
183 7 and eligibility determination for low-income families.
183 8 Sec. 154. GENERAL ADMINISTRATION. There is appropriated
183 9 from the general fund of the state to the department of human
183 10 services for the fiscal year beginning July 1, 2012, and ending
183 11 June 30, 2013, the following amount, or so much thereof as is
183 12 necessary, to be used for the purpose designated:
183 13 For general administration, including salaries, support,
183 14 maintenance, and miscellaneous purposes, and for not more than
183 15 the following full-time equivalent positions:
183 16 \$ 7,298,373
183 17 FTEs 285.00
183 18 1. Of the funds appropriated in this section, \$19,272
183 19 allocated for the prevention of disabilities policy council
183 20 established in section 225B.3.
183 21 2. The department shall report at least monthly to the
183 22 legislative services agency concerning the department's
183 23 operational and program expenditures.
183 24 3. Of the funds appropriated in this section, \$66,150 shall
183 25 be used to continue the contract for the provision of a program
183 26 to provide technical assistance, support, and consultation to
183 27 providers of habilitation services and home and community-based
183 28 waiver services for adults with disabilities under the medical
183 29 assistance program.
183 30 4. Of the funds appropriated in this section, \$88,200 shall
183 31 be used to continue the contract to expand the provision of
183 32 nationally accredited and recognized internet-based training to
183 33 include mental health and disability services providers.
183 34 5. Of the funds appropriated in this section, \$250,000
183 35 shall be used for continuation of child protection system



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184 1 improvements addressed in 2011 Iowa Acts, House File 562, as
184 2 enacted.
184 3 6. Notwithstanding section 8.33, moneys appropriated in
184 4 this section that remain unencumbered or unobligated at the
184 5 close of the fiscal year shall not revert but shall remain
184 6 available for expenditure for the purposes designated until the
184 7 close of the succeeding fiscal year.
184 8 Sec. 155. VOLUNTEERS. There is appropriated from the
184 9 general fund of the state to the department of human services
184 10 for the fiscal year beginning July 1, 2012, and ending June 30,
184 11 2013, the following amount, or so much thereof as is necessary,
184 12 to be used for the purpose designated:
184 13 For development and coordination of volunteer services:
184 14 \$ 42,330
184 15 Sec. 156. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
184 16 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
184 17 DEPARTMENT OF HUMAN SERVICES.
184 18 1. a. (1) For the fiscal year beginning July 1, 2012,
184 19 the total state funding amount for the nursing facility budget
184 20 shall not exceed \$223,202,551.
184 21 (2) The department, in cooperation with nursing facility
184 22 representatives, shall review projections for state funding
184 23 expenditures for reimbursement of nursing facilities on a
184 24 quarterly basis and the department shall determine if an
184 25 adjustment to the medical assistance reimbursement rate is
184 26 necessary in order to provide reimbursement within the state
184 27 funding amount for the fiscal year. Notwithstanding 2001
184 28 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
184 29 "c", and subsection 3, paragraph "a", subparagraph (2),
184 30 if the state funding expenditures for the nursing facility
184 31 budget for the fiscal year is projected to exceed the amount
184 32 specified in subparagraph (1), the department shall adjust
184 33 the reimbursement for nursing facilities reimbursed under the
184 34 case=mix reimbursement system to maintain expenditures of the
184 35 nursing facility budget within the specified amount for the



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185 1 fiscal year.
185 2 (3) For the fiscal year beginning July 1, 2012, special
185 3 population nursing facilities shall be reimbursed in accordance
185 4 with the methodology in effect on June 30, 2012.
185 5 b. For the fiscal year beginning July 1, 2012, the
185 6 department shall reimburse pharmacy dispensing fees using a
185 7 single rate of \$4.34 per prescription or the pharmacy's usual
185 8 and customary fee, whichever is lower. However, the department
185 9 shall adjust the dispensing fee specified in this paragraph
185 10 to distribute an additional \$2,400,000 in reimbursements for
185 11 pharmacy dispensing fees under this paragraph for the fiscal
185 12 year.
185 13 c. (1) For the fiscal year beginning July 1, 2012,
185 14 reimbursement rates for outpatient hospital services shall
185 15 remain at the rates in effect on June 30, 2012.
185 16 (2) For the fiscal year beginning July 1, 2012,
185 17 reimbursement rates for inpatient hospital services shall
185 18 remain at the rates in effect on June 30, 2012.
185 19 (3) For the fiscal year beginning July 1, 2012, the graduate
185 20 medical education and disproportionate share hospital fund
185 21 shall remain at the amount in effect on June 30, 2012, except
185 22 that the portion of the fund attributable to graduate medical
185 23 education shall be reduced in an amount that reflects the
185 24 elimination of graduate medical education payments made to
185 25 out-of-state hospitals.
185 26 (4) In order to ensure the efficient use of limited state
185 27 funds in procuring health care services for low-income Iowans,
185 28 funds appropriated in this Act for hospital services shall
185 29 not be used for activities which would be excluded from a
185 30 determination of reasonable costs under the federal Medicare
185 31 program pursuant to 42 U.S.C. { 1395X(v)(1)(N).
185 32 d. For the fiscal year beginning July 1, 2012, reimbursement
185 33 rates for rural health clinics, hospices, and acute mental
185 34 hospitals shall be increased in accordance with increases under
185 35 the federal Medicare program or as supported by their Medicare



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186 1 audited costs.

186 2 e. For the fiscal year beginning July 1, 2012, independent
186 3 laboratories and rehabilitation agencies shall be reimbursed
186 4 using the same methodology in effect on June 30, 2012.

186 5 f. For the fiscal year beginning July 1, 2012, reimbursement
186 6 rates for home health agencies shall remain at the rates in
186 7 effect on June 30, 2012, not to exceed a home health agency's
186 8 actual allowable cost.

186 9 g. For the fiscal year beginning July 1, 2012, federally
186 10 qualified health centers shall receive cost-based reimbursement
186 11 for 100 percent of the reasonable costs for the provision of
186 12 services to recipients of medical assistance.

186 13 h. For the fiscal year beginning July 1, 2012, the
186 14 reimbursement rates for dental services shall remain at the
186 15 rates in effect on June 30, 2012.

186 16 i. (1) For the fiscal year beginning July 1, 2012,
186 17 state-owned psychiatric medical institutions for children shall
186 18 receive cost-based reimbursement for 100 percent of the actual
186 19 and allowable costs for the provision of services to recipients
186 20 of medical assistance.

186 21 (2) For the nonstate-owned psychiatric medical institutions
186 22 for children, reimbursement rates shall be based on the
186 23 reimbursement methodology developed by the department to
186 24 include all ancillary medical services costs and any other
186 25 changes required for federal compliance.

186 26 j. For the fiscal year beginning July 1, 2012, unless
186 27 otherwise specified in this Act, all noninstitutional medical
186 28 assistance provider reimbursement rates shall remain at the
186 29 rates in effect on June 30, 2012, except for area education
186 30 agencies, local education agencies, infant and toddler services
186 31 providers, and those providers whose rates are required to be
186 32 determined pursuant to section 249A.20.

186 33 k. Notwithstanding any provision to the contrary, for the
186 34 fiscal year beginning July 1, 2012, the reimbursement rate for
186 35 anesthesiologists shall remain at the rate in effect on June



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187 1 30, 2012.

187 2 l. Notwithstanding section 249A.20, for the fiscal year
187 3 beginning July 1, 2012, the average reimbursement rate for
187 4 health care providers eligible for use of the federal Medicare
187 5 resource-based relative value scale reimbursement methodology
187 6 under that section shall remain at the rate in effect on June
187 7 30, 2012; however, this rate shall not exceed the maximum level
187 8 authorized by the federal government.

187 9 m. For the fiscal year beginning July 1, 2012, the
187 10 reimbursement rate for residential care facilities shall not
187 11 be less than the minimum payment level as established by the
187 12 federal government to meet the federally mandated maintenance
187 13 of effort requirement. The flat reimbursement rate for
187 14 facilities electing not to file annual cost reports shall not
187 15 be less than the minimum payment level as established by the
187 16 federal government to meet the federally mandated maintenance
187 17 of effort requirement.

187 18 n. For the fiscal year beginning July 1, 2012, inpatient
187 19 mental health services provided at hospitals shall remain at
187 20 the rates in effect on June 30, 2012, subject to Medicaid
187 21 program upper payment limit rules; community mental health
187 22 centers and providers of mental health services to county
187 23 residents pursuant to a waiver approved under section 225C.7,
187 24 subsection 3, shall be reimbursed at 100 percent of the
187 25 reasonable costs for the provision of services to recipients of
187 26 medical assistance; and psychiatrists shall be reimbursed at
187 27 the medical assistance program fee for service rate.

187 28 o. For the fiscal year beginning July 1, 2012, the
187 29 reimbursement rate for consumer-directed attendant care shall
187 30 remain at the rates in effect on June 30, 2012.

187 31 p. For the fiscal year beginning July 1, 2012, the
187 32 reimbursement rate for providers of family planning services
187 33 that are eligible to receive a 90 percent federal match shall
187 34 remain at the rates in effect on June 30, 2012.

187 35 q. For the fiscal year beginning July 1, 2012, the



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188 1 department shall adjust the rates in effect on June 30,
188 2 2012, for providers of home and community-based services
188 3 waiver services to distribute an additional \$1,500,000 in
188 4 reimbursements to such providers for the fiscal year.
188 5 2. For the fiscal year beginning July 1, 2012, the
188 6 reimbursement rate for providers reimbursed under the
188 7 in-home-related care program shall not be less than the minimum
188 8 payment level as established by the federal government to meet
188 9 the federally mandated maintenance of effort requirement.
188 10 3. Unless otherwise directed in this section, when the
188 11 department's reimbursement methodology for any provider
188 12 reimbursed in accordance with this section includes an
188 13 inflation factor, this factor shall not exceed the amount
188 14 by which the consumer price index for all urban consumers
188 15 increased during the calendar year ending December 31, 2002.
188 16 4. For the fiscal year beginning July 1, 2012,
188 17 notwithstanding section 234.38, the foster family basic daily
188 18 maintenance rate and the maximum adoption subsidy rate for
188 19 children ages 0 through 5 years shall be \$15.74, the rate for
188 20 children ages 6 through 11 years shall be \$16.37, the rate for
188 21 children ages 12 through 15 years shall be \$17.92, and the
188 22 rate for children and young adults ages 16 and older shall be
188 23 \$18.16. The maximum supervised apartment living foster care
188 24 reimbursement rate shall be \$25.00 per day. For youth ages
188 25 18 to 21 who have exited foster care, the maximum preparation
188 26 for adult living program maintenance rate shall be \$574.00 per
188 27 month. The maximum payment for adoption subsidy nonrecurring
188 28 expenses shall be limited to \$500 and the disallowance of
188 29 additional amounts for court costs and other related legal
188 30 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
188 31 section 408 shall be continued.
188 32 5. For the fiscal year beginning July 1, 2012, the maximum
188 33 reimbursement rates under the supervised apartment living
188 34 program and for social services providers under contract
188 35 shall remain at the rates in effect on June 30, 2012, or the



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189 1 provider's actual and allowable cost plus inflation for each
189 2 service, whichever is less. However, if a new service or
189 3 service provider is added after June 30, 2012, the initial
189 4 reimbursement rate for the service or provider shall be
189 5 based upon actual and allowable costs. Providers may also
189 6 be eligible for an additional amount as specified under the
189 7 department's request for proposal, bid number ACFS=11=115.
189 8 6. For the fiscal year beginning July 1, 2012, the
189 9 reimbursement rates for family=centered service providers,
189 10 family foster care service providers, group foster care service
189 11 providers, and the resource family recruitment and retention
189 12 contractor shall remain at the rates in effect on June 30,
189 13 2012.
189 14 7. The group foster care reimbursement rates paid for
189 15 placement of children out of state shall be calculated
189 16 according to the same rate=setting principles as those used for
189 17 in=state providers, unless the director of human services or
189 18 the director's designee determines that appropriate care cannot
189 19 be provided within the state. The payment of the daily rate
189 20 shall be based on the number of days in the calendar month in
189 21 which service is provided.
189 22 8. a. For the fiscal year beginning July 1, 2012, the
189 23 reimbursement rate paid for shelter care and the child welfare
189 24 emergency services implemented to provide or prevent the need
189 25 for shelter care shall be established in a contract based on
189 26 the requirements of the department's request for proposal, bid
189 27 number ACFS=11=114.
189 28 b. For the fiscal year beginning July 1, 2012, the combined
189 29 service and maintenance components of the reimbursement rate
189 30 paid for shelter care services shall be based on the financial
189 31 and statistical report submitted to the department. The
189 32 maximum reimbursement rate shall be \$92.36 per day. The
189 33 department shall reimburse a shelter care provider at the
189 34 provider's actual and allowable unit cost, plus inflation, not
189 35 to exceed the maximum reimbursement rate.



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190 1 c. Notwithstanding section 232.141, subsection 8, for the
190 2 fiscal year beginning July 1, 2012, the amount of the statewide
190 3 average of the actual and allowable rates for reimbursement of
190 4 juvenile shelter care homes that is utilized for the limitation
190 5 on recovery of unpaid costs shall remain at the amount in
190 6 effect for this purpose in the fiscal year beginning July 1,
190 7 2011.

190 8 9. For the fiscal year beginning July 1, 2012, the
190 9 department shall calculate reimbursement rates for intermediate
190 10 care facilities for persons with mental retardation at the
190 11 80th percentile. Beginning July 1, 2012, the rate calculation
190 12 methodology shall utilize the consumer price index inflation
190 13 factor applicable to the fiscal year beginning July 1, 2012.

190 14 10. For the fiscal year beginning July 1, 2012, for child
190 15 care providers reimbursed under the state child care assistance
190 16 program, the department shall set provider reimbursement
190 17 rates based on the rate reimbursement survey completed in
190 18 December 2004. Effective July 1, 2012, the child care provider
190 19 reimbursement rates shall remain at the rates in effect on June
190 20 30, 2012. The department shall set rates in a manner so as
190 21 to provide incentives for a nonregistered provider to become
190 22 registered by applying the increase only to registered and
190 23 licensed providers.

190 24 11. The department may adopt emergency rules to implement
190 25 this section.

190 26 Sec. 157. EMERGENCY RULES.

190 27 1. If specifically authorized by a provision of this
190 28 division of this Act, the department of human services or
190 29 the mental health, and disability services commission may
190 30 adopt administrative rules under section 17A.4, subsection
190 31 3, and section 17A.5, subsection 2, paragraph "b", to
190 32 implement the provisions and the rules shall become effective
190 33 immediately upon filing or on a later effective date specified
190 34 in the rules, unless the effective date is delayed by the
190 35 administrative rules review committee. Any rules adopted in



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191 1 accordance with this section shall not take effect before
191 2 the rules are reviewed by the administrative rules review
191 3 committee. The delay authority provided to the administrative
191 4 rules review committee under section 17A.4, subsection 7, and
191 5 section 17A.8, subsection 9, shall be applicable to a delay
191 6 imposed under this section, notwithstanding a provision in
191 7 those sections making them inapplicable to section 17A.5,
191 8 subsection 2, paragraph "b". Any rules adopted in accordance
191 9 with the provisions of this section shall also be published as
191 10 notice of intended action as provided in section 17A.4.
191 11 2. If during the fiscal year beginning July 1, 2012, the
191 12 department of human services is adopting rules in accordance
191 13 with this section or as otherwise directed or authorized by
191 14 state law, and the rules will result in an expenditure increase
191 15 beyond the amount anticipated in the budget process or if the
191 16 expenditure was not addressed in the budget process for the
191 17 fiscal year, the department shall notify the persons designated
191 18 by this division of this Act for submission of reports,
191 19 the chairpersons and ranking members of the committees on
191 20 appropriations, and the department of management concerning the
191 21 rules and the expenditure increase. The notification shall be
191 22 provided at least 30 calendar days prior to the date notice of
191 23 the rules is submitted to the administrative rules coordinator
191 24 and the administrative code editor.
191 25 Sec. 158. REPORTS. Any reports or information required to
191 26 be compiled and submitted under this Act shall be submitted
191 27 to the chairpersons and ranking members of the joint
191 28 appropriations subcommittee on health and human services, the
191 29 legislative services agency, and the legislative caucus staffs
191 30 on or before the dates specified for submission of the reports
191 31 or information.
191 32 Sec. 159. EFFECTIVE DATE. The following provision of this
191 33 division of this Act, being deemed of immediate importance,
191 34 take effect upon enactment:
191 35 The provision under the appropriation for child and family



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192 1 services, relating to requirements of section 232.143 for
192 2 representatives of the department of human services and
192 3 juvenile court services to establish a plan for continuing
192 4 group foster care expenditures for fiscal year 2012=2013.
192 5 DIVISION XIX
192 6 PHARMACEUTICAL SETTLEMENT ACCOUNT,
192 7 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
192 8 REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT,
192 9 MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND,
192 10 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND ==== FY 2012=2013
192 11 Sec. 160. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
192 12 appropriated from the pharmaceutical settlement account created
192 13 in section 249A.33 to the department of human services for the
192 14 fiscal year beginning July 1, 2012, and ending June 30, 2013,
192 15 the following amount, or so much thereof as is necessary, to be
192 16 used for the purpose designated:
192 17 Notwithstanding any provision of law to the contrary, to
192 18 supplement the appropriations made in this Act for medical
192 19 contracts under the medical assistance program:
192 20 \$ 2,716,807
192 21 Sec. 161. APPROPRIATIONS FROM IOWACARE ACCOUNT.
192 22 1. There is appropriated from the IowaCare account
192 23 created in section 249J.24 to the state board of regents for
192 24 distribution to the university of Iowa hospitals and clinics
192 25 for the fiscal year beginning July 1, 2012, and ending June 30,
192 26 2013, the following amount, or so much thereof as is necessary,
192 27 to be used for the purposes designated:
192 28 For salaries, support, maintenance, equipment, and
192 29 miscellaneous purposes, for the provision of medical and
192 30 surgical treatment of indigent patients, for provision of
192 31 services to members of the expansion population pursuant to
192 32 chapter 249J, and for medical education:
192 33 \$ 27,284,584
192 34 a. Funds appropriated in this subsection shall not be used
192 35 to perform abortions except medically necessary abortions, and



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193 1 shall not be used to operate the early termination of pregnancy
193 2 clinic except for the performance of medically necessary
193 3 abortions. For the purpose of this subsection, an abortion is
193 4 the purposeful interruption of pregnancy with the intention
193 5 other than to produce a live-born infant or to remove a dead
193 6 fetus, and a medically necessary abortion is one performed
193 7 under one of the following conditions:

193 8 (1) The attending physician certifies that continuing the
193 9 pregnancy would endanger the life of the pregnant woman.

193 10 (2) The attending physician certifies that the fetus is
193 11 physically deformed, mentally deficient, or afflicted with a
193 12 congenital illness.

193 13 (3) The pregnancy is the result of a rape which is reported
193 14 within 45 days of the incident to a law enforcement agency or
193 15 public or private health agency which may include a family
193 16 physician.

193 17 (4) The pregnancy is the result of incest which is reported
193 18 within 150 days of the incident to a law enforcement agency
193 19 or public or private health agency which may include a family
193 20 physician.

193 21 (5) The abortion is a spontaneous abortion, commonly known
193 22 as a miscarriage, wherein not all of the products of conception
193 23 are expelled.

193 24 b. Notwithstanding any provision of law to the contrary,
193 25 the amount appropriated in this subsection shall be distributed
193 26 based on claims submitted, adjudicated, and paid by the Iowa
193 27 Medicaid enterprise.

193 28 c. The university of Iowa hospitals and clinics shall
193 29 certify public expenditures in an amount equal to provide
193 30 the nonfederal share on total expenditures not to exceed
193 31 \$20,000,000.

193 32 2. There is appropriated from the IowaCare account
193 33 created in section 249J.24 to the state board of regents for
193 34 distribution to the university of Iowa hospitals and clinics
193 35 for the fiscal year beginning July 1, 2012, and ending June 30,



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194 1 2013, the following amount, or so much thereof as is necessary,
194 2 to be used for the purposes designated:
194 3 For salaries, support, maintenance, equipment, and
194 4 miscellaneous purposes, for the provision of medical and
194 5 surgical treatment of indigent patients, for provision of
194 6 services to members of the expansion population pursuant to
194 7 chapter 249J, and for medical education:
194 8 \$ 44,226,279
194 9 Notwithstanding any provision of law to the contrary, the
194 10 amount appropriated in this subsection shall be distributed
194 11 based on claims submitted, adjudicated, and paid by the Iowa
194 12 Medicaid enterprise.
194 13 3. There is appropriated from the IowaCare account
194 14 created in section 249J.24, to the state board of regents for
194 15 distribution to university of Iowa physicians for the fiscal
194 16 year beginning July 1, 2012, and ending June 30, 2013, the
194 17 following amount, or so much thereof as is necessary to be used
194 18 for the purposes designated:
194 19 For salaries, support, maintenance, equipment, and
194 20 miscellaneous purposes for the provision of medical and
194 21 surgical treatment of indigent patients, for provision of
194 22 services to members of the expansion population pursuant to
194 23 chapter 249J, and for medical education:
194 24 \$ 16,277,753
194 25 Notwithstanding any provision of law to the contrary, the
194 26 amount appropriated in this subsection shall be distributed
194 27 based on claims submitted, adjudicated, and paid by the Iowa
194 28 Medicaid enterprise. Once the entire amount appropriated in
194 29 this subsection has been distributed, claims shall continue to
194 30 be submitted and adjudicated by the Iowa Medicaid enterprise;
194 31 however, no payment shall be made based upon such claims.
194 32 4. There is appropriated from the IowaCare account created
194 33 in section 249J.24 to the department of human services for the
194 34 fiscal year beginning July 1, 2012, and ending June 30, 2013,
194 35 the following amount, or so much thereof as is necessary, to be



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195 1 used for the purposes designated:

195 2 For distribution to a publicly owned acute care teaching
195 3 hospital located in a county with a population over 350,000 for
195 4 the provision of medical and surgical treatment of indigent
195 5 patients, for provision of services to members of the expansion
195 6 population pursuant to chapter 249J, and for medical education:
195 7 \$ 65,000,000

195 8 a. Notwithstanding any provision of law to the contrary,
195 9 the amount appropriated in this subsection shall be distributed
195 10 based on claims submitted, adjudicated, and paid by the Iowa
195 11 Medicaid enterprise plus a monthly disproportionate share
195 12 hospital payment. Any amount appropriated in this subsection
195 13 in excess of \$60,000,000 shall be distributed only if the sum
195 14 of the expansion population claims adjudicated and paid by the
195 15 Iowa Medicaid enterprise plus the estimated disproportionate
195 16 share hospital payments exceeds \$60,000,000. The amount paid
195 17 in excess of \$60,000,000 shall not adjust the original monthly
195 18 payment amount but shall be distributed monthly based on actual
195 19 claims adjudicated and paid by the Iowa Medicaid enterprise
195 20 plus the estimated disproportionate share hospital amount. Any
195 21 amount appropriated in this subsection in excess of \$60,000,000
195 22 shall be allocated only if federal funds are available to match
195 23 the amount allocated. Pursuant to paragraph "b", of the amount
195 24 appropriated in this subsection, not more than \$4,000,000 shall
195 25 be distributed for prescription drugs and podiatry services.

195 26 b. Notwithstanding any provision of law to the contrary, the
195 27 hospital identified in this subsection, shall be reimbursed for
195 28 outpatient prescription drugs and podiatry services provided to
195 29 members of the expansion population pursuant to all applicable
195 30 medical assistance program rules, in an amount not to exceed
195 31 \$4,000,000.

195 32 c. Notwithstanding the total amount of proceeds distributed
195 33 pursuant to section 249J.24, subsection 6, paragraph "a",
195 34 unnumbered paragraph 1, for the fiscal year beginning July
195 35 1, 2012, and ending June 30, 2013, the county treasurer of a



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196 1 county with a population of over 350,000 in which a publicly
196 2 owned acute care teaching hospital is located shall distribute
196 3 the proceeds collected pursuant to section 347.7 in a total
196 4 amount of \$38,000,000, which would otherwise be distributed to
196 5 the county hospital, to the treasurer of state for deposit in
196 6 the IowaCare account.

196 7 d. (1) Notwithstanding the amount collected and
196 8 distributed for deposit in the IowaCare account pursuant to
196 9 section 249J.24, subsection 6, paragraph "a", subparagraph
196 10 (1), the first \$19,000,000 in proceeds collected pursuant to
196 11 section 347.7 between July 1, 2012, and December 31, 2012,
196 12 shall be distributed to the treasurer of state for deposit in
196 13 the IowaCare account and collections during this time period
196 14 in excess of \$19,000,000 shall be distributed to the acute
196 15 care teaching hospital identified in this subsection. Of the
196 16 collections in excess of the \$19,000,000 received by the acute
196 17 care teaching hospital under this subparagraph (1), \$2,000,000
196 18 shall be distributed by the acute care teaching hospital to the
196 19 treasurer of state for deposit in the IowaCare account in the
196 20 month of January 2013, following the July 1 through December
196 21 31, 2012, period.

196 22 (2) Notwithstanding the amount collected and distributed
196 23 for deposit in the IowaCare account pursuant to section
196 24 249J.24, subsection 6, paragraph "a", subparagraph (2),
196 25 the first \$19,000,000 in collections pursuant to section
196 26 347.7 between January 1, 2013, and June 30, 2013, shall be
196 27 distributed to the treasurer of state for deposit in the
196 28 IowaCare account and collections during this time period in
196 29 excess of \$19,000,000 shall be distributed to the acute care
196 30 teaching hospital identified in this subsection. Of the
196 31 collections in excess of the \$19,000,000 received by the acute
196 32 care teaching hospital under this subparagraph (2), \$2,000,000
196 33 shall be distributed by the acute care teaching hospital to the
196 34 treasurer of state for deposit in the IowaCare account in the
196 35 month of July 2013, following the January 1 through June 30,



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197 1 2013, period.

197 2 5. There is appropriated from the IowaCare account created
197 3 in section 249J.24 to the department of human services for the
197 4 fiscal year beginning July 1, 2012, and ending June 30, 2013,
197 5 the following amount, or so much thereof as is necessary to be
197 6 used for the purpose designated:

197 7 For payment to the regional provider network specified
197 8 by the department pursuant to section 249J.7 for provision
197 9 of covered services to members of the expansion population
197 10 pursuant to chapter 249J:

197 11 \$ 3,472,176

197 12 Notwithstanding any provision of law to the contrary, the
197 13 amount appropriated in this subsection shall be distributed
197 14 based on claims submitted, adjudicated, and paid by the Iowa
197 15 Medicaid enterprise. Once the entire amount appropriated in
197 16 this subsection has been distributed, claims shall continue to
197 17 be submitted and adjudicated by the Iowa Medicaid enterprise;
197 18 however, no payment shall be made based upon such claims.

197 19 6. There is appropriated from the IowaCare account created
197 20 in section 249J.24 to the department of human services for the
197 21 fiscal year beginning July 1, 2012, and ending June 30, 2013,
197 22 the following amount, or so much thereof as is necessary to be
197 23 used for the purposes designated:

197 24 For a care coordination pool to pay the expansion population
197 25 providers consisting of the university of Iowa hospitals and
197 26 clinics, the publicly owned acute care teaching hospital as
197 27 specified in section 249J.7, and current medical assistance
197 28 program providers that are not expansion population network
197 29 providers pursuant to section 249J.7, for services covered by
197 30 the full benefit medical assistance program but not under the
197 31 IowaCare program pursuant to section 249J.6, that are provided
197 32 to expansion population members:

197 33 \$ 1,500,000

197 34 a. Notwithstanding sections 249J.6 and 249J.7, the amount
197 35 appropriated in this subsection is intended to provide



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198 1 payment for medically necessary services provided to expansion
198 2 population members for continuation of care provided by the
198 3 university of Iowa hospitals and clinics or the publicly owned
198 4 acute care teaching hospital as specified in section 249J.7.
198 5 Payment may only be made for services that are not otherwise
198 6 covered under section 249J.6, and which are follow-up services
198 7 to covered services provided by the hospitals specified in this
198 8 paragraph "a".
198 9 b. The funds appropriated in this subsection are intended
198 10 to provide limited payment for continuity of care services for
198 11 an expansion population member, and are intended to cover the
198 12 costs of services to expansion population members, regardless
198 13 of the member's county of residence or medical home assignment,
198 14 if the care is related to specialty or hospital services
198 15 provided by the hospitals specified in paragraph "a".
198 16 c. The funds appropriated in this subsection are
198 17 not intended to provide for expanded coverage under the
198 18 IowaCare program, and shall not be used to cover emergency
198 19 transportation services.
198 20 d. The department shall adopt administrative rules pursuant
198 21 to chapter 17A to establish a prior authorization process and
198 22 to identify covered services for reimbursement under this
198 23 subsection.
198 24 7. There is appropriated from the IowaCare account created
198 25 in section 249J.24 to the department of human services for the
198 26 fiscal year beginning July 1, 2012, and ending June 30, 2013,
198 27 the following amount or so much thereof as is necessary to be
198 28 used for the purposes designated:
198 29 For a laboratory test and radiology pool for services
198 30 authorized by a federally qualified health center designated
198 31 by the department as part of the IowaCare regional provider
198 32 network that does not have the capability to provide these
198 33 services on site:
198 34 \$ 500,000
198 35 Notwithstanding sections 249J.6 and 249J.7, the amount



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199 1 appropriated in this subsection is intended to provide
199 2 reimbursement for services provided to expansion population
199 3 members that have previously been paid for through expenditure
199 4 by designated regional provider network providers of their
199 5 own funds, not to expand coverage under the IowaCare program
199 6 or to expand the expansion population provider network. The
199 7 department shall designate the laboratory and radiology
199 8 provider associated with each designated regional provider
199 9 network provider that may receive reimbursement. The
199 10 department shall adopt administrative rules pursuant to chapter
199 11 17A to establish a prior authorization process and to identify
199 12 covered services for reimbursement under this subsection.
199 13 All other medical assistance program payment policies and
199 14 rules for laboratory and radiology services shall apply to
199 15 services provided under this subsection. If the entire amount
199 16 appropriated under this subsection is expended, laboratory
199 17 tests and radiology services ordered by a designated regional
199 18 provider network provider shall be the financial responsibility
199 19 of the regional provider network provider.

199 20 Sec. 162. APPROPRIATIONS FROM NONPARTICIPATING
199 21 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
199 22 SERVICES. Notwithstanding any provision to the contrary, and
199 23 subject to the availability of funds, there is appropriated
199 24 from the nonparticipating provider reimbursement fund created
199 25 in section 249J.24A to the department of human services for the
199 26 fiscal year beginning July 1, 2012, and ending June 30, 2013,
199 27 the following amount or so much thereof as is necessary for the
199 28 purposes designated:

199 29 To reimburse nonparticipating providers in accordance with
199 30 section 249J.24A:
199 31 \$ 2,000,000

199 32 Sec. 163. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
199 33 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
199 34 Notwithstanding any provision to the contrary, there is
199 35 appropriated from the account for health care transformation



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200 1 created in section 249J.23 to the department of human services
200 2 for the fiscal year beginning July 1, 2012, and ending June
200 3 30, 2013, the following amounts, or so much thereof as is
200 4 necessary, to be used for the purposes designated:
200 5 1. For the provision of an IowaCare nurse helpline for the
200 6 expansion population as provided in section 249J.6:
200 7 \$ 50,000
200 8 2. For other health promotion partnership activities
200 9 pursuant to section 249J.14:
200 10 \$ 300,000
200 11 3. For the costs related to audits, performance
200 12 evaluations, and studies required pursuant to chapter 249J:
200 13 \$ 62,500
200 14 4. For administrative costs associated with chapter 249J:
200 15 \$ 566,206
200 16 5. For planning and development, in cooperation with the
200 17 department of public health, of a phased-in program to provide
200 18 a dental home for children in accordance with section 249J.14:
200 19 \$ 500,000
200 20 6. For continuation of the establishment of the tuition
200 21 assistance for individuals serving individuals with
200 22 disabilities pilot program, as enacted in 2008 Iowa Acts,
200 23 chapter 1187, section 130:
200 24 \$ 25,000
200 25 7. For medical contracts:
200 26 \$ 1,000,000
200 27 8. For payment to the publicly owned acute care teaching
200 28 hospital located in a county with a population of over 350,000
200 29 that is a participating provider pursuant to chapter 249J:
200 30 \$ 145,000
200 31 Disbursements under this subsection shall be made monthly.
200 32 The hospital shall submit a report following the close of the
200 33 fiscal year regarding use of the funds appropriated in this
200 34 subsection to the persons specified in this Act to receive
200 35 reports.



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201 1 9. For transfer to the department of public health to be
201 2 used for the costs of medical home system advisory council
201 3 established pursuant to section 135.159:
201 4 \$ 116,679
201 5 Notwithstanding section 8.39, subsection 1, without the
201 6 prior written consent and approval of the governor and the
201 7 director of the department of management, the director of human
201 8 services may transfer funds among the appropriations made in
201 9 this section as necessary to carry out the purposes of the
201 10 account for health care transformation. The department shall
201 11 report any transfers made pursuant to this section to the
201 12 legislative services agency.
201 13 Sec. 164. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
201 14 INSPECTIONS AND APPEALS. There is appropriated from the
201 15 Medicaid fraud account created in section 249A.7 to the
201 16 department of inspections and appeals for the fiscal year
201 17 beginning July 1, 2012, and ending June 30, 2013, the following
201 18 amount, or so much thereof as is necessary, to be used for the
201 19 purposes designated:
201 20 For the inspection and certification of assisted living
201 21 programs and adult day care services, including program
201 22 administration and costs associated with implementation:
201 23 \$ 669,764
201 24 Sec. 165. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF HUMAN
201 25 SERVICES. There is appropriated from the Medicaid fraud
201 26 account created in section 249A.7 to the department of human
201 27 services for the fiscal year beginning July 1, 2012, and ending
201 28 June 30, 2013, the following amount, or so much thereof as is
201 29 necessary, to be used for the purposes designated:
201 30 To supplement the appropriation made in this Act from the
201 31 general fund of the state to the department of human services
201 32 for medical assistance:
201 33 \$ 1,000,000
201 34 Sec. 166. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF
201 35 HUMAN SERVICES. Notwithstanding any provision to the contrary



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202 1 and subject to the availability of funds, there is appropriated
202 2 from the quality assurance trust fund created in section
202 3 249L.4 to the department of human services for the fiscal year
202 4 beginning July 1, 2012, and ending June 30, 2013, the following
202 5 amounts, or so much thereof as is necessary for the purposes
202 6 designated:
202 7 To supplement the appropriation made in this Act from the
202 8 general fund of the state to the department of human services
202 9 for medical assistance:
202 10 \$ 29,000,000
202 11 Sec. 167. HOSPITAL HEALTH CARE ACCESS TRUST FUND ====
202 12 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
202 13 the contrary and subject to the availability of funds, there is
202 14 appropriated from the hospital health care access trust fund
202 15 created in section 249M.4 to the department of human services
202 16 for the fiscal year beginning July 1, 2012, and ending June
202 17 30, 2013, the following amounts, or so much thereof as is
202 18 necessary, for the purposes designated:
202 19 1. To supplement the appropriation made in this Act from the
202 20 general fund of the state to the department of human services
202 21 for medical assistance:
202 22 \$ 39,223,800
202 23 2. For deposit in the nonparticipating provider
202 24 reimbursement fund created in section 249J.24A to be used for
202 25 the purposes of the fund:
202 26 \$ 776,200
202 27 Sec. 168. MEDICAL ASSISTANCE PROGRAM === NONREVERSION
202 28 FOR FY 2012=2013. Notwithstanding section 8.33, if moneys
202 29 appropriated for purposes of the medical assistance program
202 30 for the fiscal year beginning July 1, 2012, and ending June
202 31 30, 2013, from the general fund of the state, the Medicaid
202 32 fraud account, the quality assurance trust fund, and the
202 33 hospital health care access trust fund, are in excess of actual
202 34 expenditures for the medical assistance program and remain
202 35 unencumbered or unobligated at the close of the fiscal year,



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203 1 the excess moneys shall not revert but shall remain available
203 2 for expenditure for the purposes of the medical assistance
203 3 program until the close of the succeeding fiscal year.
203 4 DIVISION XX
203 5 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
203 6 2012=2013
203 7 Sec. 169. MENTAL HEALTH, MENTAL RETARDATION, AND
203 8 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
203 9 RELIEF. Notwithstanding the standing appropriation in section
203 10 426B.1, subsection 2, for the fiscal year beginning July 1,
203 11 2012, and ending June 30, 2013, the amount appropriated from
203 12 the general fund of the state pursuant to that provision shall
203 13 not exceed the following amount:
..... \$
203 14 81,199,911
203 15 Sec. 170. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==== FY 2012=2013.
203 16
203 17 1. There is appropriated from the general fund of the
203 18 state to the department of human services for the fiscal year
203 19 beginning July 1, 2012, and ending June 30, 2013, the following
203 20 amount, or so much thereof as is necessary, to be used for the
203 21 purpose designated:
203 22 For distribution to counties of the county mental health,
203 23 mental retardation, and developmental disabilities allowed
203 24 growth factor adjustment for fiscal year 2012=2013 as provided
203 25 in this section in lieu of the allowed growth factor provisions
203 26 of section 331.438, subsection 2, and section 331.439,
203 27 subsection 3, and chapter 426B:
203 28 \$ 68,697,893
203 29 2. Of the amount appropriated in this section, \$12,000,000
203 30 shall be distributed as provided in this subsection.
203 31 a. To be eligible to receive a distribution under this
203 32 subsection, a county must meet the following requirements:
203 33 (1) The county is levying for the maximum amount allowed
203 34 for the county's mental health, mental retardation, and
203 35 developmental disabilities services fund under section 331.424A



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204 1 for taxes due and payable in the fiscal year beginning July 1,
204 2 2012, or the county is levying for at least 90 percent of the
204 3 maximum amount allowed for the county's services fund and that
204 4 levy rate is more than \$2 per \$1,000 of the assessed value of
204 5 all taxable property in the county.

204 6 (2) In the fiscal year beginning July 1, 2010, the
204 7 county's mental health, mental retardation, and developmental
204 8 disabilities services fund ending balance under generally
204 9 accepted accounting principles was equal to or less than 15
204 10 percent of the county's actual gross expenditures for that
204 11 fiscal year.

204 12 b. The amount of a county's distribution from the allocation
204 13 made in this subsection shall be determined based upon the
204 14 county's proportion of the general population of the counties
204 15 eligible to receive a distribution under this subsection. The
204 16 most recent population estimates issued by the United States
204 17 bureau of the census shall be applied in determining population
204 18 for the purposes of this paragraph.

204 19 c. The distributions made pursuant to this subsection
204 20 are subject to the distribution provisions and withholding
204 21 requirements established in this section for the county mental
204 22 health, mental retardation, and developmental disabilities
204 23 allowed growth factor adjustment for the fiscal year beginning
204 24 July 1, 2012.

204 25 3. The following amount of the funding appropriated in this
204 26 section is the allowed growth factor adjustment for fiscal
204 27 year 2012=2013, and shall be credited to the allowed growth
204 28 funding pool created in the property tax relief fund and for
204 29 distribution in accordance with section 426B.5, subsection 1:
204 30 \$ 56,697,893

204 31 4. The following formula amounts shall be utilized only
204 32 to calculate preliminary distribution amounts for the allowed
204 33 growth factor adjustment for fiscal year 2012=2013 under this
204 34 section by applying the indicated formula provisions to the
204 35 formula amounts and producing a preliminary distribution total



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205 1 for each county:
205 2 a. For calculation of a distribution amount for eligible
205 3 counties from the allowed growth funding pool created in the
205 4 property tax relief fund in accordance with the requirements in
205 5 section 426B.5, subsection 1:
205 6 \$ 69,773,346
205 7 b. For calculation of a distribution amount for counties
205 8 from the mental health and developmental disabilities (MH/DD)
205 9 community services fund in accordance with the formula provided
205 10 in the appropriation made for the MH/DD community services fund
205 11 for the fiscal year beginning July 1, 2012:
205 12 \$ 14,187,556
205 13 5. a. After applying the applicable statutory distribution
205 14 formulas to the amounts indicated in subsection 4 for purposes
205 15 of producing preliminary distribution totals, the department
205 16 of human services shall apply a withholding factor to adjust
205 17 an eligible individual county's preliminary distribution
205 18 total. In order to be eligible for a distribution under this
205 19 section, a county must be levying 90 percent or more of the
205 20 maximum amount allowed for the county's mental health, mental
205 21 retardation, and developmental disabilities services fund under
205 22 section 331.424A for taxes due and payable in the fiscal year
205 23 for which the distribution is payable.
205 24 b. An ending balance percentage for each county shall
205 25 be determined by expressing the county's ending balance on a
205 26 modified accrual basis under generally accepted accounting
205 27 principles for the fiscal year beginning July 1, 2010, in the
205 28 county's mental health, mental retardation, and developmental
205 29 disabilities services fund created under section 331.424A, as a
205 30 percentage of the county's gross expenditures from that fund
205 31 for that fiscal year. If a county borrowed moneys for purposes
205 32 of providing services from the county's services fund on or
205 33 before July 1, 2010, and the county's services fund ending
205 34 balance for that fiscal year includes the loan proceeds or an
205 35 amount designated in the county budget to service the loan for



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206 1 the borrowed moneys, those amounts shall not be considered
206 2 to be part of the county's ending balance for purposes of
206 3 calculating an ending balance percentage under this subsection.
206 4 c. For purposes of calculating withholding factors and for
206 5 ending balance amounts used for other purposes under law, the
206 6 county ending balances shall be adjusted, using forms developed
206 7 for this purpose by the county finance committee, to disregard
206 8 the temporary funding increase provided to the counties for
206 9 the fiscal year through the federal American Recovery and
206 10 Reinvestment Act of 2009, Pub. L. No. 111=5. In addition, a
206 11 county may adjust the ending balance amount by rebating to the
206 12 department all or a portion of the allowed growth and MH/DD
206 13 services fund moneys the county received for the fiscal year
206 14 beginning July 1, 2011, in accordance with this Act, or from
206 15 any other services fund moneys available to the county. The
206 16 rebate must be remitted to the department on or before June 1,
206 17 2012, in order to be counted. The amount rebated by a county
206 18 shall be subtracted dollar=for=dollar from the county's ending
206 19 balance amount for the fiscal year beginning July 1, 2010,
206 20 for purposes of calculating the withholding factor and for
206 21 other ending balance purposes for the fiscal year beginning
206 22 July 1, 2012. The rebates received by the department shall be
206 23 credited to the property tax relief fund and distributed as
206 24 additional funding for the fiscal year beginning July 1, 2012,
206 25 in accordance with the formula provisions in this section.
206 26 d. The withholding factor for a county shall be the
206 27 following applicable percent:
206 28 (1) For an ending balance percentage of less than 5
206 29 percent, a withholding factor of 0 percent. In addition,
206 30 a county that is subject to this lettered paragraph shall
206 31 receive an inflation adjustment equal to 3 percent of the gross
206 32 expenditures reported for the county's services fund for the
206 33 fiscal year.
206 34 (2) For an ending balance percentage of 5 percent or more
206 35 but less than 10 percent, a withholding factor of 0 percent.



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207 1 In addition, a county that is subject to this lettered
207 2 paragraph shall receive an inflation adjustment equal to 2
207 3 percent of the gross expenditures reported for the county's
207 4 services fund for the fiscal year.

207 5 (3) For an ending balance percentage of 10 percent or more
207 6 but less than 25 percent, a withholding factor of 25 percent.
207 7 However, for counties with an ending balance of 10 percent or
207 8 more but less than 15 percent, the amount withheld shall be
207 9 limited to the amount by which the county's ending balance was
207 10 in excess of the ending balance percentage of 10 percent.

207 11 (4) For an ending balance percentage of 25 percent or more,
207 12 a withholding percentage of 100 percent.

207 13 6. The total withholding amounts applied pursuant to
207 14 subsection 5 shall be equal to a withholding target amount of
207 15 \$13,075,453. If the department of human services determines
207 16 that the amount appropriated is insufficient or the amount to
207 17 be withheld in accordance with subsection 5 is not equal to
207 18 the target withholding amount, the department shall adjust the
207 19 withholding factors listed in subsection 5 as necessary to
207 20 achieve the target withholding amount. However, in making such
207 21 adjustments to the withholding factors, the department shall
207 22 strive to minimize changes to the withholding factors for those
207 23 ending balance percentage ranges that are lower than others and
207 24 shall only adjust the zero withholding factor or the inflation
207 25 adjustment percentages specified in subsection 5, paragraph
207 26 "d", when the amount appropriated is insufficient.

207 27 DIVISION XXI

207 28 CONDITIONAL RETROACTIVE APPLICABILITY

207 29 Sec. 171. EFFECTIVE DATE AND RETROACTIVE
207 30 APPLICABILITY. Unless otherwise provided, this Act, if
207 31 approved by the governor on or after July 1, 2011, takes effect
207 32 upon enactment and applies retroactively to July 1, 2011.

207 33 EXPLANATION

207 34 This bill relates to and makes appropriations for health
207 35 and human services for fiscal years 2011=2012 and 2012=2013 to



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208 1 the department of veterans affairs, the Iowa veterans home,
208 2 the department on aging, the department of public health,
208 3 the Iowa finance authority, the state board of regents, the
208 4 department of inspections and appeals, and the department of
208 5 human services. The bill is organized in divisions.
208 6 DEPARTMENT ON AGING ==== FY 2011=2012. This division
208 7 appropriates funding from the general fund of the state for the
208 8 department on aging.
208 9 DEPARTMENT OF PUBLIC HEALTH ==== FY 2011=2012. This division
208 10 appropriates funding from the general fund of the state for the
208 11 department of public health.
208 12 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2011=2012. This
208 13 division appropriates funding from the general fund of the
208 14 state for the department of veterans affairs.
208 15 DEPARTMENT OF HUMAN SERVICES ==== FY 2011=2012. The division
208 16 appropriates funding from the general fund of the state and the
208 17 federal temporary assistance for needy families block grant
208 18 to the department of human services. The allocation for the
208 19 family development and self-sufficiency grant program is made
208 20 directly to the department of human rights.
208 21 An appropriation is made from the health care trust fund for
208 22 the medical assistance (Medicaid) program in addition to the
208 23 general fund appropriation made for this purpose.
208 24 The reimbursement section addresses reimbursement for
208 25 providers reimbursed by the department of human services.
208 26 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
208 27 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
208 28 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
208 29 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
208 30 FUND ==== FY 2011=2012. This division makes appropriations for
208 31 fiscal year 2011=2012. The appropriation to the department
208 32 of inspections and appeals is made from the Medicaid fraud
208 33 account.
208 34 The division makes an appropriation from the pharmaceutical
208 35 settlement account to the department of human services to



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209 1 supplement the medical contracts appropriation.
209 2 The division makes appropriations from the IowaCare
209 3 account to the state board of regents for distribution to the
209 4 university of Iowa hospitals and clinics and to the department
209 5 of human services for distribution to a publicly owned acute
209 6 care teaching hospital in a county with a population over
209 7 350,000 related to the IowaCare program and indigent care. The
209 8 division also makes appropriations from the IowaCare account
209 9 to the department of human services for distribution to the
209 10 regional provider network, a care coordination pool, and a
209 11 laboratory test and radiology pool. The division makes an
209 12 appropriation from the nonparticipating provider reimbursement
209 13 fund to reimburse nonparticipating providers under the IowaCare
209 14 program. The division makes an appropriation to the department
209 15 of human services from the health care transformation account
209 16 for various health care reform initiatives.
209 17 Appropriations are made to supplement the Medicaid program
209 18 from the following funds: quality assurance trust fund,
209 19 Medicaid fraud account, and hospital health care access trust
209 20 fund.
209 21 The division provides that if the total amount appropriated
209 22 from all sources for the medical assistance program for fiscal
209 23 year 2011=2012 exceeds the amount needed, the excess remains
209 24 available to be used for the program in the succeeding fiscal
209 25 year.
209 26 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
209 27 2011=2012. This division allocates the appropriation made in
209 28 2010 Iowa Acts, chapter 1193, for distribution to counties for
209 29 adult mental illness, mental retardation, and developmental
209 30 disabilities services allowed growth for fiscal year 2011=2012.
209 31 The standing appropriation from the general fund of the
209 32 state of \$88.4 million for purposes of the property tax relief
209 33 fund in Code section 426B.1 is reduced to approximately \$81.2
209 34 million for FY 2011=2012.
209 35 PRIOR APPROPRIATIONS AND RELATED PROVISIONS ==== FY 2011=2012.



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210 1 This division addresses previous appropriations and related
210 2 provisions.

210 3 New Code section 16.185 creates the community housing and
210 4 services for persons with disabilities revolving loan program
210 5 fund under the Iowa finance authority.

210 6 Code section 35A.8A, relating to Vietnam conflict veterans
210 7 bonus compensation, is amended to change the application
210 8 deadline from July 1, 2010, to May 1, 2011. This change is
210 9 retroactive to July 1, 2010.

210 10 An appropriation originally enacted in 2008 Iowa Acts,
210 11 chapter 1187, section 68, for the Vietnam conflict veterans
210 12 bonus fund, is amended to provide that upon repeal of the
210 13 bonus fund on June 30, 2011, the balance is transferred to the
210 14 veterans trust fund to be expended at a later date for a bonus
210 15 enacted for veterans of more recent conflicts.

210 16 An existing nonreversion clause for purposes of the
210 17 appropriation made for the injured veterans grant program in
210 18 2008 Iowa Acts, chapter 1187, section 69, is extended through
210 19 FY 2011=2012.

210 20 A provision in 2009 Iowa Acts, chapter 182, section 9,
210 21 requiring the department of human services to maintain a
210 22 behavioral health account, is amended so that unused funds do
210 23 not revert but are retained to be used for crisis stabilization
210 24 and other mental and behavioral health service improvements.

210 25 Unused funds remaining from the allocation made in 2009
210 26 Iowa Acts, chapter 182, section 14, for the child welfare
210 27 decategorization projects are transferred to the community
210 28 housing and services for persons with disabilities revolving
210 29 loan program created in the Act.

210 30 The requirements for an allocation made in 2009 Iowa Acts,
210 31 chapter 183, section 62, for infant and toddler care quality,
210 32 are revised.

210 33 Requirements in 2010 Iowa Acts, chapter 1192, sections 1 and
210 34 37, for quarterly review of reimbursement provisions for case
210 35 management services under the Medicaid program elderly waiver,



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Senate File 542 - Introduced continued

211 1 are deleted.

211 2 Funds remaining from the appropriation made in 2010 Iowa
211 3 Acts, chapter 1192, section 3, for the Iowa veterans home are
211 4 subject to a nonreversion clause under Code section 35D.18.
211 5 The bill provides for the first \$500,000 to be used for the
211 6 Iowa veterans home in the succeeding fiscal year and the
211 7 remainder to be transferred to the department of human services
211 8 to be used for the Medicaid program.

211 9 The appropriation made for the Medicaid program in 2010
211 10 Iowa Acts, chapter 1192, section 11, is amended to allow the
211 11 department of human services to increase the amounts allocated
211 12 for staffing as necessary to implement cost containment efforts
211 13 to accomplish Medicaid program savings.

211 14 Moneys from the general fund of the state are appropriated
211 15 for FY 2010=2011 to be credited to the injured veterans trust
211 16 fund to be used for the injured veterans grant program. The
211 17 moneys appropriated from the general fund do not revert.

211 18 A nonreversion clause is provided for the appropriation made
211 19 for the state supplementary assistance program in 2010 Iowa
211 20 Acts, chapter 1192, section 14.

211 21 Funds appropriated for the child welfare training academy
211 22 in 2010 Iowa Acts, chapter 1192, section 19 that remain at the
211 23 close of the fiscal year do not revert but remain available for
211 24 the purpose designated until the close of the succeeding fiscal
211 25 year.

211 26 Sixty thousand dollars of the appropriation made for
211 27 adoption subsidy for FY 2010=2011 is transferred to the state
211 28 mental health institute at Cherokee to be used for children's
211 29 beds, and the moneys transferred do not revert.

211 30 Appropriations made to the department of human services for
211 31 field operations and general administration in 2010 Iowa Acts,
211 32 chapter 1192, sections 29 and 30, that remain at the close of
211 33 the fiscal year do not revert but remain available for the
211 34 purposes designated until the close of the succeeding fiscal
211 35 year.



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212 1 The appropriation made from the quality assurance fund in
212 2 2010 Iowa Acts, chapter 1192, section 44, for the Medicaid
212 3 program, is increased.

212 4 An appropriation made from the merchant marine bonus fund
212 5 to the department of cultural affairs for FY 2010=2011 is
212 6 transferred to the department of veterans affairs on the
212 7 effective date of the provision. Transferred moneys remaining
212 8 at the close of the fiscal year are required to be credited to
212 9 the veterans trust fund.

212 10 A portion of appropriations made to the department of human
212 11 services for FY 2010=2011 for the state resource center at
212 12 Glenwood is transferred to the Iowa juvenile home appropriation
212 13 and for the state resource center at Woodward is transferred
212 14 to the state mental health institute at Independence. This
212 15 provision is retroactively applicable to January 1, 2012.

212 16 For the period of June 1, 2010, and ending June 30, 2011,
212 17 a child welfare funding decategorization project that is
212 18 incorporated and owns real property may utilize project funding
212 19 to purchase liability insurance. This provision applies
212 20 retroactively to June 1, 2010.

212 21 If an accountable health care organization is certified
212 22 by the U.S. government, the department of human services may
212 23 provide certain Medicaid data to the organization for purposes
212 24 of a pilot project to identify cost savings strategies.

212 25 The division takes effect upon enactment and if approved by
212 26 the governor on or after July 1, 2011, applies retroactively
212 27 to June 30, 2011.

212 28 PREVENTION AND CHRONIC CARE MANAGEMENT. This division
212 29 repeals the state initiative for prevention and chronic care
212 30 management in Code section 135.161, directs that the initiative
212 31 be incorporated into the duties of the medical home system
212 32 advisory council, and makes conforming amendments.

212 33 MISCELLANEOUS ==== FY 2011=2012. This division provides
212 34 miscellaneous statutory provisions.

212 35 Code section 29C.20B, relating to disaster case management,



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Senate File 542 - Introduced continued

213 1 is amended to transfer administrative responsibility from the
213 2 department of human services to the homeland security and
213 3 emergency management division.
213 4 Code section 135.106, establishing the healthy opportunities
213 5 for parents to experience success (HOPES) = healthy families
213 6 Iowa (HFI) program, is amended to provide legislative intent
213 7 that the priority for home visitation funding be given to
213 8 approaches using evidence-based or promising models for home
213 9 visitation.
213 10 Code section 135H.6, relating to psychiatric medical
213 11 institutions for children, is amended to provide that beds for
213 12 children who do not reside in this state and whose service
213 13 costs are not paid by public funds are not subject to the
213 14 limitations on the number of beds and certificate of need
213 15 requirements otherwise applicable.
213 16 Code section 147.136, relating to the scope of recovery
213 17 in legal actions for personal injury against a health care
213 18 provider, is amended to provide that recovery of economic
213 19 losses replaced by the Medicaid program is not barred.
213 20 Code section 153.14 is amended to exclude from the
213 21 definition of the practice of dentistry, students of dentistry
213 22 who practice dentistry upon patients at clinics at an
213 23 accredited dental college, rather than only at the state dental
213 24 college.
213 25 Code section 154A.24, subsection 3, relating to hearing
213 26 aid dispensers, is amended to eliminate certain failures in
213 27 advertising from the grounds for suspension or revocation of
213 28 a license.
213 29 Code section 155A.43 is enacted to provide an annual
213 30 allocation of fees collected by the board of pharmacy to
213 31 administer the pharmaceutical collection and disposal program.
213 32 Code section 225B.8, relating to the sunset repeal date for
213 33 the prevention of disabilities planning council, is amended to
213 34 change the date from July 1, 2011, to July 1, 2012.
213 35 The nonreversion clause in Code section 232.188 applicable



**Iowa General Assembly
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Senate File 542 - Introduced continued

214 1 to carryover funding under the decategorization of child
214 2 welfare funding initiative, is extended for an additional
214 3 fiscal year.
214 4 Code section 235B.19, relating to emergency orders for
214 5 protective services for dependent adults is amended to require
214 6 the department of human services to serve a copy of the
214 7 petition and any order authorizing protective services, on the
214 8 dependent adult and on certain other adults in the priority
214 9 order specified, and prohibits certain activities without prior
214 10 court approval relating to disposal of personal property and
214 11 withdrawing of funds from financial institutions.
214 12 Code section 237A.1, relating to the definition of "child
214 13 care", is amended to provide an exemption from the definition
214 14 when a program is offered to a child in a fitness center or
214 15 on the premises of a nonprofit organization even though the
214 16 parent, guardian, or custodian of the child is employed to
214 17 teach or lead an activity provided in that location.
214 18 Code section 249A.4B is amended to update the name of the
214 19 Iowa primary care association.
214 20 Code section 135.27A, the governor's council on physical
214 21 fitness and nutrition, is repealed December 31, 2011.
214 22 MEDICAID PRESCRIPTION DRUGS. This division relates to
214 23 coverage of prescription drugs under the Medicaid program which
214 24 are prescribed for mental illness.
214 25 The division takes effect upon enactment and applies
214 26 retroactively to January 1, 2011.
214 27 IOWA FALSE CLAIMS ACT. This division includes various
214 28 amendments to the false claims Act in Code chapter 685.
214 29 VOLUNTEER HEALTH CARE PROVIDER PROGRAM. This division
214 30 amends Code section 135.24, relating to the volunteer health
214 31 care provider program and immunity from civil liability under
214 32 the program for hospitals.
214 33 HEALTH CARE COST CONTAINMENT. This division provides for
214 34 the development by the department of human services of cost
214 35 containment measures, including an all-payer claims database



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Senate File 542 - Introduced continued

215 1 and a provider payment system plan pilot.
215 2 HEALTH INFORMATION TECHNOLOGY. This division establishes
215 3 Iowa e=health, to develop, administer, and sustain the health
215 4 information network to improve the quality, safety, and
215 5 efficiency of health care available to Iowans and to manage and
215 6 operate the health information network. The division includes
215 7 provisions relating to guiding principles, goals, and the five
215 8 domains of governance, business and technical operations,
215 9 finance, technical infrastructure, and legal and policy.
215 10 DEPARTMENT ON AGING ==== FY 2012=2013. This division
215 11 appropriates funding from the general fund of the state for the
215 12 department on aging.
215 13 DEPARTMENT OF PUBLIC HEALTH ==== FY 2012=2013. This division
215 14 appropriates funding from the general fund of the state for the
215 15 department of public health.
215 16 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2012=2013. This
215 17 division appropriates funding from the general fund of the
215 18 state for the department of veterans affairs.
215 19 DEPARTMENT OF HUMAN SERVICES ==== FY 2012=2013. This division
215 20 appropriates funding from the general fund of the state and the
215 21 federal temporary assistance for needy families block grant for
215 22 the department of human services.
215 23 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
215 24 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
215 25 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
215 26 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
215 27 FUND ==== FY 2012=2013. This division appropriates funding from
215 28 various funds and accounts for purposes of health and human
215 29 services.
215 30 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
215 31 2012=2013. This division appropriates and distributes funding
215 32 to counties for adult mental health, mental retardation, and
215 33 developmental disabilities allowed growth for FY 2012=2013.
215 34 EFFECTIVE DATE AND CONDITIONAL RETROACTIVE APPLICABILITY.
215 35 This division specifies that unless otherwise provided, if



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Senate File 542 - Introduced continued

216 1 the bill is approved on or after July 1, 2011, the bill takes
216 2 effect upon enactment and is retroactively applicable to July
216 3 1, 2011.

LSB 2820SV (1) 84

pf/jp



Iowa General Assembly
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Senate Study Bill 1213

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch and including effective date and retroactive
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2821XC (5) 84

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Senate Study Bill 1213 continued

PAG LIN

1 1 DIVISION I
1 2 FY 2011=2012
1 3 Section 1. JUDICIAL BRANCH.
1 4 1. There is appropriated from the general fund of the state
1 5 to the judicial branch for the fiscal year beginning July 1,
1 6 2011, and ending June 30, 2012, the following amount, or so
1 7 much thereof as is necessary, to be used for the purposes
1 8 designated:
1 9 a. For salaries of supreme court justices, appellate court
1 10 judges, district court judges, district associate judges,
1 11 judicial magistrates and staff, state court administrator,
1 12 clerk of the supreme court, district court administrators,
1 13 clerks of the district court, juvenile court officers, board of
1 14 law examiners and board of examiners of shorthand reporters and
1 15 judicial qualifications commission; receipt and disbursement
1 16 of child support payments; reimbursement of the auditor
1 17 of state for expenses incurred in completing audits of the
1 18 offices of the clerks of the district court during the fiscal
1 19 year beginning July 1, 2011; and maintenance, equipment, and
1 20 miscellaneous purposes:
1 21 \$154,111,822
1 22 b. For deposit in the revolving fund created pursuant
1 23 to section 602.1302, subsection 3, for jury and witness
1 24 fees, mileage, costs related to summoning jurors, fees for
1 25 interpreters, and reimbursement of attorney fees paid by the
1 26 state public defender:
1 27 \$ 2,300,000
1 28 2. The judicial branch, except for purposes of internal
1 29 processing, shall use the current state budget system, the
1 30 state payroll system, and the Iowa finance and accounting
1 31 system in administration of programs and payments for services,
1 32 and shall not duplicate the state payroll, accounting, and
1 33 budgeting systems.
1 34 3. The judicial branch shall submit monthly financial
1 35 statements to the legislative services agency and the



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Senate Study Bill 1213 continued

2 1 department of management containing all appropriated accounts
2 2 in the same manner as provided in the monthly financial status
2 3 reports and personal services usage reports of the department
2 4 of administrative services. The monthly financial statements
2 5 shall include a comparison of the dollars and percentage
2 6 spent of budgeted versus actual revenues and expenditures on
2 7 a cumulative basis for full-time equivalent positions and
2 8 dollars.

2 9 4. The judicial branch shall focus efforts upon the
2 10 collection of delinquent fines, penalties, court costs, fees,
2 11 surcharges, or similar amounts.

2 12 5. It is the intent of the general assembly that the offices
2 13 of the clerks of the district court operate in all 99 counties
2 14 and be accessible to the public as much as is reasonably
2 15 possible in order to address the relative needs of the citizens
2 16 of each county.

2 17 6. In addition to the requirements for transfers under
2 18 section 8.39, the judicial branch shall not change the
2 19 appropriations from the amounts appropriated to the judicial
2 20 branch in this Act, unless notice of the revisions is given
2 21 prior to their effective date to the legislative services
2 22 agency. The notice shall include information on the branch's
2 23 rationale for making the changes and details concerning the
2 24 workload and performance measures upon which the changes are
2 25 based.

2 26 7. The judicial branch shall submit a semiannual update
2 27 to the legislative services agency specifying the amounts of
2 28 fines, surcharges, and court costs collected using the Iowa
2 29 court information system since the last report. The judicial
2 30 branch shall continue to facilitate the sharing of vital
2 31 sentencing and other information with other state departments
2 32 and governmental agencies involved in the criminal justice
2 33 system through the Iowa court information system.

2 34 8. The judicial branch shall provide a report to the general
2 35 assembly by January 1, 2012, concerning the amounts received



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Senate Study Bill 1213 continued

3 1 and expended from the enhanced court collections fund created
3 2 in section 602.1304 and the court technology and modernization
3 3 fund created in section 602.8108, subsection 7, during the
3 4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
3 5 and the plans for expenditures from each fund during the fiscal
3 6 year beginning July 1, 2011, and ending June 30, 2012. A copy
3 7 of the report shall be provided to the legislative services
3 8 agency.

3 9 9. The judicial branch is encouraged to purchase products
3 10 from Iowa state industries, as defined in section 904.802, when
3 11 purchases are required and the products are available from Iowa
3 12 state industries. The judicial branch shall obtain bids from
3 13 Iowa state industries for purchases of office furniture during
3 14 the fiscal year beginning July 1, 2011, exceeding \$5,000.

3 15 Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding any
3 16 provision to the contrary, for the fiscal year beginning July
3 17 1, 2011, and ending June 30, 2012, if all parties in a case
3 18 agree, a civil trial including a jury trial may take place in a
3 19 county contiguous to the county with proper jurisdiction, even
3 20 if the contiguous county is located in an adjacent judicial
3 21 district or judicial election district. If the trial is moved
3 22 pursuant to this section, court personnel shall treat the case
3 23 as if a change of venue occurred. However, if a trial is moved
3 24 to an adjacent judicial district or judicial election district,
3 25 the judicial officers serving in the judicial district or
3 26 judicial election district receiving the case shall preside
3 27 over the case.

3 28 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
3 29 602.1509, for the fiscal year beginning July 1, 2011, a
3 30 judicial officer may waive travel reimbursement for any travel
3 31 outside the judicial officer's county of residence to conduct
3 32 official judicial business.

3 33 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ====

3 34 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 35 required to be provided by the judicial branch for fiscal year



**Iowa General Assembly
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Senate Study Bill 1213 continued

4 1 2011=2012 to the legislative services agency shall be provided
4 2 in an electronic format. The legislative services agency shall
4 3 post the reports on its internet website and shall notify by
4 4 electronic means all the members of the joint appropriations
4 5 subcommittee on the justice system when a report is posted.
4 6 Upon request, copies of the reports may be mailed to members of
4 7 the joint appropriations subcommittee on the justice system.
4 8 Sec. 5. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding
4 9 the annual salary rates for judicial officers established by
4 10 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
4 11 beginning July 1, 2011, and ending June 30, 2012, the supreme
4 12 court may by order place all judicial officers on unpaid leave
4 13 status on any day employees of the judicial branch are placed
4 14 on temporary layoff status. The biweekly pay of the judicial
4 15 officers shall be reduced accordingly for the pay period in
4 16 which the unpaid leave date occurred in the same manner as
4 17 for noncontract employees of the judicial branch. Through
4 18 the course of the fiscal year, the judicial branch may use an
4 19 amount equal to the aggregate amount of salary reductions due
4 20 to the judicial officer unpaid leave days for any purpose other
4 21 than for judicial salaries.
4 22 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
4 23 of the general assembly that the judicial branch utilize
4 24 the Iowa communications network or other secure electronic
4 25 communications in lieu of traveling for the fiscal year
4 26 beginning July 1, 2011.
4 27 Sec. 7. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This
4 28 division of this Act, if approved by the governor on or
4 29 after July 1, 2011, takes effect upon enactment and applies
4 30 retroactively to July 1, 2011.
4 31 DIVISION II
4 32 FY 2012=2013
4 33 Sec. 8. JUDICIAL BRANCH.
4 34 1. There is appropriated from the general fund of the state
4 35 to the judicial branch for the fiscal year beginning July 1,



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Senate Study Bill 1213 continued

5 1 2012, and ending June 30, 2013, the following amount, or so
5 2 much thereof as is necessary, to be used for the purposes
5 3 designated:
5 4 a. For salaries of supreme court justices, appellate court
5 5 judges, district court judges, district associate judges,
5 6 judicial magistrates and staff, state court administrator,
5 7 clerk of the supreme court, district court administrators,
5 8 clerks of the district court, juvenile court officers, board of
5 9 law examiners and board of examiners of shorthand reporters and
5 10 judicial qualifications commission; receipt and disbursement
5 11 of child support payments; reimbursement of the auditor
5 12 of state for expenses incurred in completing audits of the
5 13 offices of the clerks of the district court during the fiscal
5 14 year beginning July 1, 2012; and maintenance, equipment, and
5 15 miscellaneous purposes:
5 16 \$ 77,055,911
5 17 b. For deposit in the revolving fund created pursuant
5 18 to section 602.1302, subsection 3, for jury and witness
5 19 fees, mileage, costs related to summoning jurors, fees for
5 20 interpreters, and reimbursement of attorney fees paid by the
5 21 state public defender:
5 22 \$ 1,150,000
5 23 2. The judicial branch, except for purposes of internal
5 24 processing, shall use the current state budget system, the
5 25 state payroll system, and the Iowa finance and accounting
5 26 system in administration of programs and payments for services,
5 27 and shall not duplicate the state payroll, accounting, and
5 28 budgeting systems.
5 29 3. The judicial branch shall submit monthly financial
5 30 statements to the legislative services agency and the
5 31 department of management containing all appropriated accounts
5 32 in the same manner as provided in the monthly financial status
5 33 reports and personal services usage reports of the department
5 34 of administrative services. The monthly financial statements
5 35 shall include a comparison of the dollars and percentage



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Senate Study Bill 1213 continued

6 1 spent of budgeted versus actual revenues and expenditures on
6 2 a cumulative basis for full-time equivalent positions and
6 3 dollars.
6 4 4. The judicial branch shall focus efforts upon the
6 5 collection of delinquent fines, penalties, court costs, fees,
6 6 surcharges, or similar amounts.
6 7 5. It is the intent of the general assembly that the offices
6 8 of the clerks of the district court operate in all 99 counties
6 9 and be accessible to the public as much as is reasonably
6 10 possible in order to address the relative needs of the citizens
6 11 of each county.
6 12 6. In addition to the requirements for transfers under
6 13 section 8.39, the judicial branch shall not change the
6 14 appropriations from the amounts appropriated to the judicial
6 15 branch in this division of this Act, unless notice of the
6 16 revisions is given prior to their effective date to the
6 17 legislative services agency. The notice shall include
6 18 information on the branch's rationale for making the changes
6 19 and details concerning the workload and performance measures
6 20 upon which the changes are based.
6 21 7. The judicial branch shall submit a semiannual update
6 22 to the legislative services agency specifying the amounts of
6 23 fines, surcharges, and court costs collected using the Iowa
6 24 court information system since the last report. The judicial
6 25 branch shall continue to facilitate the sharing of vital
6 26 sentencing and other information with other state departments
6 27 and governmental agencies involved in the criminal justice
6 28 system through the Iowa court information system.
6 29 8. The judicial branch shall provide a report to the general
6 30 assembly by January 1, 2013, concerning the amounts received
6 31 and expended from the enhanced court collections fund created
6 32 in section 602.1304 and the court technology and modernization
6 33 fund created in section 602.8108, subsection 7, during the
6 34 fiscal year beginning July 1, 2011, and ending June 30, 2012,
6 35 and the plans for expenditures from each fund during the fiscal



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Senate Study Bill 1213 continued

7 1 year beginning July 1, 2012, and ending June 30, 2013. A copy
7 2 of the report shall be provided to the legislative services
7 3 agency.

7 4 9. The judicial branch is encouraged to purchase products
7 5 from Iowa state industries, as defined in section 904.802, when
7 6 purchases are required and the products are available from Iowa
7 7 state industries. The judicial branch shall obtain bids from
7 8 Iowa state industries for purchases of office furniture during
7 9 the fiscal year beginning July 1, 2012, exceeding \$5,000.

7 10 Sec. 9. CIVIL TRIALS ==== LOCATION.

7 11 Notwithstanding any provision to the contrary, for the fiscal
7 12 year beginning July 1, 2012, and ending June 30, 2013, if
7 13 all parties in a case agree, a civil trial including a jury
7 14 trial may take place in a county contiguous to the county
7 15 with proper jurisdiction, even if the contiguous county is
7 16 located in an adjacent judicial district or judicial election
7 17 district. If the trial is moved pursuant to this section,
7 18 court personnel shall treat the case as if a change of venue
7 19 occurred. However, if a trial is moved to an adjacent judicial
7 20 district or judicial election district, the judicial officers
7 21 serving in the judicial district or judicial election district
7 22 receiving the case shall preside over the case.

7 23 Sec. 10. TRAVEL REIMBURSEMENT. Notwithstanding section
7 24 602.1509, for the fiscal year beginning July 1, 2012, a
7 25 judicial officer may waive travel reimbursement for any travel
7 26 outside the judicial officer's county of residence to conduct
7 27 official judicial business.

7 28 Sec. 11. POSTING OF REPORTS IN ELECTRONIC FORMAT ====

7 29 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
7 30 required to be provided by the judicial branch for fiscal year
7 31 2012=2013 to the legislative services agency shall be provided
7 32 in an electronic format. The legislative services agency shall
7 33 post the reports on its internet website and shall notify by
7 34 electronic means all the members of the joint appropriations
7 35 subcommittee on the justice system when a report is posted.



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Senate Study Bill 1213 continued

8 1 Upon request, copies of the reports may be mailed to members of
8 2 the joint appropriations subcommittee on the justice system.
8 3 Sec. 12. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding
8 4 the annual salary rates for judicial officers established by
8 5 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
8 6 beginning July 1, 2012, and ending June 30, 2013, the supreme
8 7 court may by order place all judicial officers on unpaid leave
8 8 status on any day employees of the judicial branch are placed
8 9 on temporary layoff status. The biweekly pay of the judicial
8 10 officers shall be reduced accordingly for the pay period in
8 11 which the unpaid leave date occurred in the same manner as
8 12 for noncontract employees of the judicial branch. Through
8 13 the course of the fiscal year, the judicial branch may use an
8 14 amount equal to the aggregate amount of salary reductions due
8 15 to the judicial officer unpaid leave days for any purpose other
8 16 than for judicial salaries.
8 17 Sec. 13. IOWA COMMUNICATIONS NETWORK. It is the intent
8 18 of the general assembly that the judicial branch utilize
8 19 the Iowa communications network or other secure electronic
8 20 communications in lieu of traveling for the fiscal year
8 21 beginning July 1, 2012.

8 22 EXPLANATION

8 23 This bill appropriates from the general fund of the state
8 24 for FY 2011=2012 and FY 2012=2013 to the judicial branch for
8 25 salaries, maintenance, equipment, and miscellaneous purposes.
8 26 The bill appropriates \$2.3 million from the general fund of
8 27 the state for FY 2011=2012 to the revolving fund created in
8 28 Code section 602.1302 for jury and witness fees, mileage, costs
8 29 related to summoning jurors, fees for interpreters, and certain
8 30 attorney fee reimbursement. The bill appropriates \$1.15
8 31 million from the general fund of the state to the revolving
8 32 fund for FY 2012=2013.
8 33 The bill provides it is the intent of the general assembly
8 34 that the offices of the clerks of the district court operate
8 35 in all 99 counties and be accessible to the public as much as



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Senate Study Bill 1213 continued

9 1 is reasonably possible.

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Senate Study Bill 1214

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department
3 of transportation, including allocation and use of moneys
4 from the road use tax fund and the primary road fund and
5 including conditional retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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Senate Study Bill 1214 continued

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1	1	
1	2	DIVISION I
1	3	TRANSPORTATION
1	4	FY 2011=2012
1	5	Section 1. ROAD USE TAX FUND. There is appropriated
1	6	from the road use tax fund created in section 312.1 to the
1	7	department of transportation for the fiscal year beginning July
1	8	1, 2011, and ending June 30, 2012, the following amounts, or
1	9	so much thereof as is necessary, to be used for the purposes
1	10	designated:
1	11	1. For the payment of costs associated with the production
1	12	of driver's licenses, as defined in section 321.1, subsection
1	13	20A:
1	14	..... \$ 3,876,000
1	15	Notwithstanding section 8.33, moneys appropriated in this
1	16	subsection that remain unencumbered or unobligated at the close
1	17	of the fiscal year shall not revert but shall remain available
1	18	for expenditure for the purposes specified in this subsection
1	19	until the close of the succeeding fiscal year.
1	20	2. For salaries, support, maintenance, and miscellaneous
1	21	purposes:
1	22	a. Operations:
1	23	..... \$ 6,570,000
1	24	b. Planning:
1	25	..... \$ 458,000
1	26	c. Motor vehicles:
1	27	..... \$ 33,921,000
1	28	3. For payments to the department of administrative
1	29	services for utility services:
1	30	..... \$ 225,000
1	31	4. Unemployment compensation:
1	32	..... \$ 7,000
1	33	5. For payments to the department of administrative
1	34	services for paying workers' compensation claims under chapter
1	35	85 on behalf of employees of the department of transportation:
	 \$ 119,000



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Senate Study Bill 1214 continued

2 1 6. For payment to the general fund of the state for indirect
2 2 cost recoveries:
2 3 \$ 78,000
2 4 7. For reimbursement to the auditor of state for audit
2 5 expenses as provided in section 11.5B:
2 6 \$ 67,319
2 7 8. For automation, telecommunications, and related costs
2 8 associated with the county issuance of driver's licenses and
2 9 vehicle registrations and titles:
2 10 \$ 1,406,000
2 11 9. For transfer to the department of public safety for
2 12 operating a system providing toll-free telephone road and
2 13 weather conditions information:
2 14 \$ 100,000
2 15 10. For costs associated with the participation in the
2 16 Mississippi river parkway commission:
2 17 \$ 40,000
2 18 11. For motor vehicle division field facility maintenance
2 19 projects at various locations:
2 20 \$ 200,000
2 21 12. For scale replacement projects at various locations:
2 22 \$ 550,000
2 23 For purposes of section 8.33, unless specifically provided
2 24 otherwise, moneys appropriated in subsections 11 and 12 that
2 25 remain unencumbered or unobligated shall not revert but shall
2 26 remain available for expenditure for the purposes designated
2 27 until the close of the fiscal year that ends three years after
2 28 the end of the fiscal year for which the appropriation was
2 29 made. However, if the projects for which the appropriation
2 30 was made are completed in an earlier fiscal year, unencumbered
2 31 or unobligated moneys shall revert at the close of that same
2 32 fiscal year.
2 33 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
2 34 primary road fund created in section 313.3 to the department of
2 35 transportation for the fiscal year beginning July 1, 2011, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Study Bill 1214 continued

3 1 ending June 30, 2012, the following amounts, or so much thereof
3 2 as is necessary, to be used for the purposes designated:
3 3 1. For salaries, support, maintenance, miscellaneous
3 4 purposes, and for not more than the following full-time
3 5 equivalent positions:
3 6 a. Operations:
3 7 \$ 40,356,529
3 8 FTEs 296.00
3 9 b. Planning:
3 10 \$ 8,697,095
3 11 FTEs 121.00
3 12 c. Highways:
3 13 \$230,913,992
3 14 FTEs 2,247.00
3 15 d. Motor vehicles:
3 16 \$ 1,413,540
3 17 FTEs 445.00
3 18 2. For payments to the department of administrative
3 19 services for utility services:
3 20 \$ 1,388,000
3 21 3. Unemployment compensation:
3 22 \$ 138,000
3 23 4. For payments to the department of administrative
3 24 services for paying workers' compensation claims under
3 25 chapter 85 on behalf of the employees of the department of
3 26 transportation:
3 27 \$ 2,846,000
3 28 5. For disposal of hazardous wastes from field locations and
3 29 the central complex:
3 30 \$ 800,000
3 31 6. For payment to the general fund of the state for indirect
3 32 cost recoveries:
3 33 \$ 572,000
3 34 7. For reimbursement to the auditor of state for audit
3 35 expenses as provided in section 11.5B:



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Senate Study Bill 1214 continued

4 1 \$ 415,181
4 2 8. For costs associated with producing transportation maps:
4 3 \$ 242,000
4 4 9. For inventory and equipment replacement:
4 5 \$ 5,366,000
4 6 10. For utility improvements at various locations:
4 7 \$ 400,000
4 8 11. For roofing projects at various locations:
4 9 \$ 200,000
4 10 12. For heating, cooling, and exhaust system improvements
4 11 at various locations:
4 12 \$ 400,000
4 13 13. For deferred maintenance projects at field facilities
4 14 throughout the state:
4 15 \$ 1,000,000
4 16 14. For elevator upgrades at the Ames complex:
4 17 \$ 100,000
4 18 15. For wastewater treatment improvements at various
4 19 locations:
4 20 \$ 1,000,000
4 21 16. For replacement of the Swea City garage:
4 22 \$ 2,100,000
4 23 For purposes of section 8.33, unless specifically provided
4 24 otherwise, moneys appropriated in subsections 10 through 16
4 25 that remain unencumbered or unobligated shall not revert
4 26 but shall remain available for expenditure for the purposes
4 27 designated until the close of the fiscal year that ends
4 28 three years after the end of the fiscal year for which the
4 29 appropriation was made. However, if the project or projects
4 30 for which such appropriation was made are completed in an
4 31 earlier fiscal year, unencumbered or unobligated moneys shall
4 32 revert at the close of that same fiscal year.
4 33 DIVISION II
4 34 TRANSPORTATION
4 35 FY 2012=2013



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Study Bill 1214 continued

5 1 Sec. 3. ROAD USE TAX FUND. There is appropriated from the
5 2 road use tax fund created in section 312.1 to the department of
5 3 transportation for the fiscal year beginning July 1, 2012, and
5 4 ending June 30, 2013, the following amounts, or so much thereof
5 5 as is necessary, to be used for the purposes designated:
5 6 1. For the payment of costs associated with the production
5 7 of driver's licenses, as defined in section 321.1, subsection
5 8 20A:
5 9 \$ 3,876,000
5 10 Notwithstanding section 8.33, moneys appropriated in this
5 11 subsection that remain unencumbered or unobligated at the close
5 12 of the fiscal year shall not revert but shall remain available
5 13 for expenditure for the purposes specified in this subsection
5 14 until the close of the succeeding fiscal year.
5 15 2. For salaries, support, maintenance, and miscellaneous
5 16 purposes:
5 17 a. Operations:
5 18 \$ 3,285,000
5 19 b. Planning:
5 20 \$ 229,000
5 21 c. Motor vehicles:
5 22 \$ 16,960,500
5 23 3. For payments to the department of administrative
5 24 services for utility services:
5 25 \$ 112,500
5 26 4. Unemployment compensation:
5 27 \$ 3,500
5 28 5. For payments to the department of administrative
5 29 services for paying workers' compensation claims under chapter
5 30 85 on behalf of employees of the department of transportation:
5 31 \$ 59,500
5 32 6. For payment to the general fund of the state for indirect
5 33 cost recoveries:
5 34 \$ 39,000
5 35 7. For reimbursement to the auditor of state for audit



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Study Bill 1214 continued

6 1 expenses as provided in section 11.5B:
6 2 \$ 33,660
6 3 8. For automation, telecommunications, and related costs
6 4 associated with the county issuance of driver's licenses and
6 5 vehicle registrations and titles:
6 6 \$ 703,000
6 7 9. For transfer to the department of public safety for
6 8 operating a system providing toll-free telephone road and
6 9 weather conditions information:
6 10 \$ 50,000
6 11 10. For costs associated with the participation in the
6 12 Mississippi river parkway commission:
6 13 \$ 20,000
6 14 11. For motor vehicle division field facility maintenance
6 15 projects at various locations:
6 16 \$ 200,000
6 17 12. For scale replacement projects at various locations:
6 18 \$ 550,000
6 19 For purposes of section 8.33, unless specifically provided
6 20 otherwise, moneys appropriated in subsections 11 and 12 that
6 21 remain unencumbered or unobligated shall not revert but shall
6 22 remain available for expenditure for the purposes designated
6 23 until the close of the fiscal year that ends three years after
6 24 the end of the fiscal year for which the appropriation was
6 25 made. However, if the projects for which the appropriation
6 26 was made are completed in an earlier fiscal year, unencumbered
6 27 or unobligated moneys shall revert at the close of that same
6 28 fiscal year.
6 29 Sec. 4. PRIMARY ROAD FUND. There is appropriated from the
6 30 primary road fund created in section 313.3 to the department of
6 31 transportation for the fiscal year beginning July 1, 2012, and
6 32 ending June 30, 2013, the following amounts, or so much thereof
6 33 as is necessary, to be used for the purposes designated:
6 34 1. For salaries, support, maintenance, miscellaneous
6 35 purposes, and for not more than the following full-time



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Senate Study Bill 1214 continued

7	1	equivalent positions:		
7	2	a. Operations:		
7	3	.....	\$	20,178,265
7	4	.....	FTEs	296.00
7	5	b. Planning:		
7	6	.....	\$	4,348,548
7	7	.....	FTEs	121.00
7	8	c. Highways:		
7	9	.....	\$	115,456,996
7	10	.....	FTEs	2,247.00
7	11	d. Motor vehicles:		
7	12	.....	\$	706,770
7	13	.....	FTEs	445.00
7	14	2. For payments to the department of administrative		
7	15	services for utility services:		
7	16	.....	\$	694,000
7	17	3. Unemployment compensation:		
7	18	.....	\$	69,000
7	19	4. For payments to the department of administrative		
7	20	services for paying workers' compensation claims under		
7	21	chapter 85 on behalf of the employees of the department of		
7	22	transportation:		
7	23	.....	\$	1,423,000
7	24	5. For disposal of hazardous wastes from field locations and		
7	25	the central complex:		
7	26	.....	\$	400,000
7	27	6. For payment to the general fund of the state for indirect		
7	28	cost recoveries:		
7	29	.....	\$	286,000
7	30	7. For reimbursement to the auditor of state for audit		
7	31	expenses as provided in section 11.5B:		
7	32	.....	\$	207,591
7	33	8. For costs associated with producing transportation maps:		
7	34	\$	121,000
7	35	9. For inventory and equipment replacement:		



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Senate Study Bill 1214 continued

8 1 \$ 2,683,000
8 2 10. For utility improvements at various locations:
8 3 \$ 400,000
8 4 11. For roofing projects at various locations:
8 5 \$ 200,000
8 6 12. For heating, cooling, and exhaust system improvements
8 7 at various locations:
8 8 \$ 200,000
8 9 13. For deferred maintenance projects at field facilities
8 10 throughout the state:
8 11 \$ 1,000,000
8 12 14. For wastewater treatment improvements at various
8 13 locations:
8 14 \$ 1,000,000
8 15 15. For replacement of the New Hampton combined facility:
8 16 \$ 5,200,000
8 17 For purposes of section 8.33, unless specifically provided
8 18 otherwise, moneys appropriated in subsections 10 through 15
8 19 that remain unencumbered or unobligated shall not revert
8 20 but shall remain available for expenditure for the purposes
8 21 designated until the close of the fiscal year that ends
8 22 three years after the end of the fiscal year for which the
8 23 appropriation was made. However, if the project or projects
8 24 for which such appropriation was made are completed in an
8 25 earlier fiscal year, unencumbered or unobligated moneys shall
8 26 revert at the close of that same fiscal year.
8 27 DIVISION III
8 28 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY
8 29 Sec. 5. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
8 30 Unless otherwise provided, this Act, if approved by the
8 31 governor on or after July 1, 2011, takes effect upon enactment
8 32 and applies retroactively to July 1, 2011.
8 33 EXPLANATION
8 34 TRANSPORTATION ==== FY 2011=2012. This division makes
8 35 appropriations for FY 2011=2012 from the road use tax fund and



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Senate Study Bill 1214 continued

9 1 the primary road fund to the department of transportation for
9 2 support of ongoing operations and for various infrastructure
9 3 maintenance and improvement projects, including replacement of
9 4 the Swea City garage.

9 5 TRANSPORTATION ==== FY 2012=2013. This division makes
9 6 appropriations for FY 2012=2013 from the road use tax fund and
9 7 the primary road fund to the department of transportation for
9 8 support of ongoing operations and for various infrastructure
9 9 maintenance and improvement projects, including replacement of
9 10 the New Hampton combined facility.

9 11 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
9 12 Unless otherwise provided, the bill, if approved by the
9 13 governor on or after July 1, 2011, takes effect upon enactment
9 14 and applies retroactively to July 1, 2011.

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Senate Study Bill 1215

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to and making, reducing, and transferring
2 appropriations to state departments and agencies from
3 the rebuild Iowa infrastructure fund, the technology
4 reinvestment fund, the revenue bonds capitals fund, and
5 other funds, providing for related matters and including
6 effective date and retroactive applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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Senate Study Bill 1215 continued

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1 1 DIVISION I
1 2 REBUILD IOWA INFRASTRUCTURE FUND
1 3 Section 1. There is appropriated from the rebuild Iowa
1 4 infrastructure fund to the following departments and agencies
1 5 for the following fiscal years, the following amounts, or so
1 6 much thereof as is necessary, to be used for the purposes
1 7 designated:
1 8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 9 For projects related to major repairs and major maintenance
1 10 and for state buildings and facilities:
1 11 FY 2011=2012..... \$ 3,000,000
1 12 a. Of the amount appropriated in this subsection,
1 13 \$1,200,000 shall be allocated for exterior repairs and related
1 14 improvements to the state historical building.
1 15 b. The department may use any remaining amounts
1 16 appropriated in this subsection for routine maintenance
1 17 as necessary, notwithstanding section 8.57, subsection 6,
1 18 paragraph "c".
1 19 2. DEPARTMENT FOR THE BLIND
1 20 For replacement of air handlers and related improvements:
1 21 FY 2011=2012..... \$ 1,065,674
1 22 3. DEPARTMENT OF CORRECTIONS
1 23 a. For the construction project and one-time furniture,
1 24 fixture, and equipment costs at Fort Madison:
1 25 FY 2011=2012..... \$ 5,155,077
1 26 FY 2012=2013..... \$ 18,269,124
1 27 FY 2013=2014..... \$ 3,000,000
1 28 b. For the construction project and one-time equipment
1 29 costs at the Iowa correctional facility for women at
1 30 Mitchellville:
1 31 FY 2011=2012..... \$ 3,361,556
1 32 FY 2012=2013..... \$ 5,391,062
1 33 FY 2013=2014..... \$ 26,769,040
1 34 4. DEPARTMENT OF CULTURAL AFFAIRS
1 35 For deposit into the Iowa great places program fund created



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Senate Study Bill 1215 continued

2 1 in section 303.3D for Iowa great places program projects that
2 2 meet the definition of the term "vertical infrastructure" in
2 3 section 8.57, subsection 6, paragraph "c":
2 4 FY 2011=2012..... \$ 1,000,000
2 5 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
2 6 a. For accelerated career education program capital
2 7 projects at community colleges that are authorized under
2 8 chapter 260G and that meet the definition of vertical
2 9 infrastructure in section 8.57, subsection 6, paragraph "c":
2 10 FY 2011=2012..... \$ 5,000,000
2 11 b. For equal distribution to regional sports authority
2 12 districts certified by the department pursuant to section
2 13 15E.321, notwithstanding section 8.57, subsection 6, paragraph
2 14 "c":
2 15 FY 2011=2012..... \$ 500,000
2 16 c. For costs associated with the renovation, expansion,
2 17 and improvements of exhibits as part of a zoo capital campaign
2 18 located in a central Iowa city with a population between one
2 19 hundred ninety=five thousand and two hundred five thousand as
2 20 determined by the 2010 federal decennial census:
2 21 FY 2011=2012..... \$ 500,000
2 22 d. For interior and exterior renovations and repairs,
2 23 including improved energy efficiencies and compliance with
2 24 the federal Americans with Disabilities Act, for cabins at a
2 25 year=round camp for persons with disabilities in a central Iowa
2 26 city with a population between one hundred ninety=five thousand
2 27 and two hundred five thousand as determined by the 2010 federal
2 28 decennial census:
2 29 FY 2011=2012..... \$ 250,000
2 30 e. For administration and support of the world food prize
2 31 including the Borlaug/Ruan scholar program, notwithstanding
2 32 section 8.57, subsection 6, paragraph "c":
2 33 FY 2011=2012..... \$ 100,000
2 34 6. DEPARTMENT OF EDUCATION
2 35 a. To the public broadcasting division for the purchase of a



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3 1 building in a city with a population between seventeen thousand
3 2 two hundred and seventeen thousand three hundred as determined
3 3 by the 2010 federal decennial census:
3 4 FY 2011=2012..... \$ 1,255,550
3 5 b. For major renovation and major repair needs, including
3 6 health, life, and fire safety needs and for compliance with the
3 7 federal Americans with Disabilities Act, for state buildings
3 8 and facilities under the purview of the community colleges:
3 9 FY 2011=2012..... \$ 1,000,000
3 10 7. DEPARTMENT OF HUMAN SERVICES
3 11 For the renovation and construction of certain nursing
3 12 facilities, consistent with the provisions of chapter 249K:
3 13 FY 2011=2012..... \$ 285,000
3 14 8. DEPARTMENT OF NATURAL RESOURCES
3 15 a. For floodplain management and dam safety,
3 16 notwithstanding section 8.57, subsection 6, paragraph "c":
3 17 FY 2011=2012..... \$ 2,000,000
3 18 Of the amounts appropriated in this lettered paragraph,
3 19 up to \$400,000 is authorized for stream gages to be used
3 20 for tracking and predicting flood events and for compiling
3 21 necessary data relating to flood frequency analysis.
3 22 b. For implementation of lake projects that have
3 23 established watershed improvement initiatives and community
3 24 support in accordance with the department's annual lake
3 25 restoration plan and report, notwithstanding section 8.57,
3 26 subsection 6, paragraph "c":
3 27 FY 2011=2012..... \$ 5,000,000
3 28 Of the amount appropriated in this lettered paragraph,
3 29 \$350,000 shall be allocated for a lake with public access
3 30 that has the support of a benefited lake district located in
3 31 a county with a population between seventeen thousand seven
3 32 hundred and seventeen thousand eight hundred as determined
3 33 by the 2010 federal decennial census. The allocated moneys
3 34 shall be used for purposes of completing a preconstruction
3 35 dam restoration study that would include a geotechnical



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Senate Study Bill 1215 continued

4 1 evaluation, hydrological studies, restoration alternatives, and
4 2 construction specifications.
4 3 c. For the administration of a water trails and low head
4 4 dam public hazard statewide plan, including salaries, support,
4 5 maintenance, and miscellaneous purposes, notwithstanding
4 6 section 8.57, subsection 6, paragraph "c":
4 7 FY 2011=2012..... \$ 75,000
4 8 d. For costs associated with the hiring and employment of an
4 9 asset manager at Honey creek resort state park, notwithstanding
4 10 section 8.57, subsection 6, paragraph "c":
4 11 FY 2011=2012..... \$ 100,000
4 12 e. For costs associated with dam repair for a lake with
4 13 public access that has the support of a benefitted lake
4 14 district located in a county with a population between
4 15 seventeen thousand seven hundred and seventeen thousand eight
4 16 hundred as determined by the 2010 federal decennial census:
4 17 FY 2012=2013..... \$ 2,500,000
4 18 FY 2013=2014..... \$ 2,500,000
4 19 Moneys appropriated for each fiscal year in this lettered
4 20 paragraph are contingent upon receipt of moneys on a
4 21 dollar=for=dollar matching basis from any source for each
4 22 fiscal year.
4 23 9. DEPARTMENT OF PUBLIC DEFENSE
4 24 a. For major maintenance projects at national guard
4 25 armories and facilities:
4 26 FY 2011=2012..... \$ 1,500,000
4 27 b. For renovation and facility improvements at the
4 28 Muscatine readiness center:
4 29 FY 2011=2012..... \$ 100,000
4 30 c. For construction improvement projects at statewide
4 31 readiness centers:
4 32 FY 2011=2012..... \$ 1,800,000
4 33 d. For construction upgrades at Camp Dodge including
4 34 sanitary system and sewer system improvements:
4 35 FY 2011=2012..... \$ 1,000,000



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Senate Study Bill 1215 continued

5 1 e. For renovation, repair, and related improvements at the
5 2 joint forces headquarters building:
5 3 FY 2011=2012..... \$ 1,000,000
5 4 10. DEPARTMENT OF PUBLIC SAFETY
5 5 For the provision of a statewide public safety radio network
5 6 and the purchase of compatible radio communications equipment
5 7 with the goal of achieving compliance with the federal
5 8 communications commission's narrowbanding mandate deadline, and
5 9 for achieving "interoperability", as defined in section 80.28,
5 10 notwithstanding section 8.57, subsection 6, paragraph "c":
5 11 FY 2011=2012..... \$ 2,500,000
5 12 FY 2012=2013..... \$ 2,500,000
5 13 FY 2013=2014..... \$ 2,500,000
5 14 Of the amounts appropriated in this subsection, the
5 15 department of public safety may enter into a public=private
5 16 partnership, through a competitive bidding process, for
5 17 the provision of the statewide network and the purchase of
5 18 compatible equipment.
5 19 On or before January 13, 2012, the department of public
5 20 safety shall provide a report to the legislative services
5 21 agency and the department of management. The report shall
5 22 detail the status of the funds appropriated in this subsection
5 23 and shall include the estimated needs of the departments of
5 24 public safety, corrections, and natural resources to achieve
5 25 interoperability and to meet the federal narrowbanding mandate,
5 26 any changes in estimated costs to meet those needs, and the
5 27 status of requests for proposals to develop a public=private
5 28 partnership.
5 29 11. BOARD OF REGENTS
5 30 a. For allocation by the state board of regents to the
5 31 state university of Iowa, the Iowa state university of
5 32 science and technology, and the university of northern Iowa to
5 33 reimburse the institutions for deficiencies in the operating
5 34 funds resulting from the pledging of tuition, student fees
5 35 and charges, and institutional income to finance the cost of



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6 1 providing academic and administrative buildings and facilities
6 2 and utility services at the institutions, notwithstanding
6 3 section 8.57, subsection 6, paragraph "c":
6 4 FY 2011=2012..... \$ 24,305,412
6 5 b. For the Iowa flood center at the state university of Iowa
6 6 for use by the university's college of engineering, pursuant
6 7 to section 466C.1, notwithstanding section 8.57, subsection 6,
6 8 paragraph "c":
6 9 FY 2011=2012..... \$ 1,300,000
6 10 c. For construction, renovation, and related improvements
6 11 for phase II of the agricultural and biosystems engineering
6 12 complex, including classrooms, laboratories, and offices at
6 13 Iowa state university of science and technology:
6 14 FY 2011=2012..... \$ 2,000,000
6 15 FY 2012=2013..... \$ 19,800,000
6 16 FY 2013=2014..... \$ 20,000,000
6 17 FY 2014=2015..... \$ 18,600,000
6 18 d. For the renovation and related improvements to the dental
6 19 science building at the state university of Iowa including but
6 20 not limited to renovation of clinical spaces and development of
6 21 a multidisciplinary clinical area:
6 22 FY 2011=2012..... \$ 2,000,000
6 23 FY 2012=2013..... \$ 11,000,000
6 24 FY 2013=2014..... \$ 8,000,000
6 25 FY 2014=2015..... \$ 8,000,000
6 26 e. For renovation and related improvements for Bartlett
6 27 hall at the university of northern Iowa including providing
6 28 faculty offices, seminar rooms, and laboratories in the
6 29 building and the associated demolition of Baker hall:
6 30 FY 2011=2012..... \$ 2,000,000
6 31 FY 2012=2013..... \$ 7,286,000
6 32 FY 2013=2014..... \$ 9,767,000
6 33 FY 2014=2015..... \$ 1,947,000
6 34 12. DEPARTMENT OF TRANSPORTATION
6 35 a. For acquiring, constructing, and improving recreational



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7 1 trails within the state:
7 2 FY 2011=2012..... \$ 2,500,000
7 3 Of the amount appropriated in this lettered paragraph "a",
7 4 \$500,000 shall be allocated for the development of a connecting
7 5 trail and for bicycle boulevard improvements in a central Iowa
7 6 city with a population between one hundred ninety=five thousand
7 7 and two hundred five thousand as determined by the 2010 federal
7 8 decennial census.
7 9 Of the amount appropriated in this lettered paragraph "a",
7 10 \$112,000 shall be allocated for the planning and development
7 11 of the Iowa portion of the Mississippi river trail located
7 12 in a county with a population between forty=two thousand and
7 13 forty=three thousand in the latest preceding certified federal
7 14 census and a county with a population between one hundred sixty
7 15 thousand and one hundred seventy=five thousand in the latest
7 16 preceding certified federal census.
7 17 b. For deposit into the public transit infrastructure
7 18 grant fund created in section 324A.6A, for projects that meet
7 19 the definition of "vertical infrastructure" in section 8.57,
7 20 subsection 6, paragraph "c":
7 21 FY 2011=2012..... \$ 1,500,000
7 22 c. For infrastructure improvements at the commercial
7 23 service airports within the state:
7 24 FY 2011=2012..... \$ 1,500,000
7 25 d. For infrastructure improvements at general aviation
7 26 airports within the state:
7 27 FY 2011=2012..... \$ 750,000
7 28 13. TREASURER OF STATE
7 29 For distribution in accordance with chapter 174 to qualified
7 30 fairs which belong to the association of Iowa fairs for county
7 31 fair infrastructure improvements:
7 32 FY 2011=2012..... \$ 1,060,000
7 33 14. DEPARTMENT OF VETERANS AFFAIRS
7 34 a. For transfer to the Iowa finance authority for the
7 35 continuation of the home ownership assistance program for



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8 1 persons who are or were eligible members of the armed forces of
8 2 the United States, pursuant to section 16.54, notwithstanding
8 3 section 8.57, subsection 6, paragraph "c":
8 4 FY 2011=2012..... \$ 1,000,000
8 5 b. For the Iowa veterans home to upgrade generator emissions
8 6 controls to meet required stack emissions for four generators
8 7 and related improvements:
8 8 FY 2011=2012..... \$ 250,000
8 9 Sec. 2. REVERSION. For purposes of section 8.33, unless
8 10 specifically provided otherwise, unencumbered or unobligated
8 11 moneys made from an appropriation in this division of this Act
8 12 shall not revert but shall remain available for expenditure for
8 13 the purposes designated until the close of the fiscal year that
8 14 ends three years after the end of the fiscal year for which the
8 15 appropriation is made. However, if the project or projects for
8 16 which such appropriation was made are completed in an earlier
8 17 fiscal year, unencumbered or unobligated moneys shall revert at
8 18 the close of that same fiscal year.
8 19 DIVISION II
8 20 TECHNOLOGY REINVESTMENT FUND
8 21 Sec. 3. There is appropriated from the technology
8 22 reinvestment fund created in section 8.57C to the following
8 23 departments and agencies for the following fiscal years, the
8 24 following amounts, or so much thereof as is necessary, to be
8 25 used for the purposes designated:
8 26 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
8 27 For technology improvement projects:
8 28 FY 2011=2012..... \$ 1,557,904
8 29 2. DEPARTMENT OF CORRECTIONS
8 30 For costs associated with the Iowa corrections offender
8 31 network data system:
8 32 FY 2011=2012..... \$ 500,000
8 33 3. DEPARTMENT OF EDUCATION
8 34 a. For maintenance and lease costs associated with
8 35 connections for part III of the Iowa communications network:



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9 1 FY 2011=2012..... \$ 2,727,000
9 2 b. For the implementation of an educational data warehouse
9 3 that will be utilized by teachers, parents, school district
9 4 administrators, area education agency staff, department of
9 5 education staff, and policymakers:
9 6 FY 2011=2012..... \$ 600,000
9 7 The department may use a portion of the moneys appropriated
9 8 in this lettered paragraph for an e=transcript data system
9 9 capable of tracking students throughout their education via
9 10 interconnectivity with multiple schools.
9 11 4. DEPARTMENT OF HUMAN RIGHTS
9 12 For the cost of equipment and computer software for the
9 13 implementation of Iowa's criminal justice information system:
9 14 FY 2011=2012..... \$ 1,689,307
9 15 5. DEPARTMENT OF HUMAN SERVICES
9 16 For the purchase of software and for training costs
9 17 associated with the purchase of the software for a
9 18 community=based, nonprofit, nonresidential program serving
9 19 persons with disabilities, notwithstanding section 8.57C,
9 20 subsection 2:
9 21 FY 2011=2012..... \$ 11,000
9 22 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
9 23 For replacement of equipment for the Iowa communications
9 24 network:
9 25 FY 2011=2012..... \$ 2,237,653
9 26 The commission may continue to enter into contracts pursuant
9 27 to section 8D.13 for the replacement of equipment and for
9 28 operation and maintenance costs of the network.
9 29 In addition to funds appropriated in this subsection, the
9 30 commission may use a financing agreement entered into by the
9 31 treasurer of state in accordance with section 12.28 for the
9 32 replacement of equipment for the network. For purposes of
9 33 this subsection, the treasurer of state is not subject to
9 34 the maximum principal limitation contained in section 12.28,
9 35 subsection 6. Repayment of any amounts financed shall be made



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10 1 from receipts associated with fees charged for use of the
10 2 network.
10 3 7. DEPARTMENT OF MANAGEMENT
10 4 To develop a searchable database that can be placed on the
10 5 internet for budget and financial information:
10 6 FY 2011=2012..... \$ 580,000
10 7 8. DEPARTMENT OF PUBLIC SAFETY
10 8 a. For transfer to a firefighter association in a county
10 9 with a population between ninety thousand and ninety=five
10 10 thousand as determined by the 2010 federal decennial census
10 11 for a driving simulator to enhance the association's emergency
10 12 vehicle operations course:
10 13 FY 2011=2012..... \$ 80,000
10 14 b. For the purchase of an emergency diesel generator for
10 15 radio communications for a county with a population between
10 16 seventeen thousand and seventeen thousand one hundred fifty as
10 17 determined by the 2010 federal decennial census:
10 18 FY 2011=2012..... \$ 20,000
10 19 Sec. 4. REVERSION. For purposes of section 8.33, unless
10 20 specifically provided otherwise, unencumbered or unobligated
10 21 moneys made from an appropriation in this division of this Act
10 22 shall not revert but shall remain available for expenditure for
10 23 the purposes designated until the close of the fiscal year that
10 24 ends three years after the end of the fiscal year for which the
10 25 appropriation is made. However, if the project or projects for
10 26 which such appropriation was made are completed in an earlier
10 27 fiscal year, unencumbered or unobligated moneys shall revert at
10 28 the close of that same fiscal year.
10 29 DIVISION III
10 30 REVENUE BONDS CAPITALS
10 31 FUND ==== APPROPRIATIONS
10 32 Sec. 5. There is appropriated from the revenue bonds
10 33 capitals fund created in section 12.88, to the department of
10 34 corrections for the fiscal year beginning July 1, 2011, and
10 35 ending June 30, 2012, the following amount, or so much thereof



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11 1 as is necessary, to be used for the purposes designated:
11 2 For the construction project and one-time equipment costs at
11 3 the Iowa correctional facility for women at Mitchellville:
11 4 \$ 4,130,952
11 5 For purposes of section 8.33, unless specifically provided
11 6 otherwise, unencumbered or unobligated moneys made from an
11 7 appropriation in this section shall not revert but shall remain
11 8 available for expenditure for the purposes designated until the
11 9 close of the fiscal year that ends three years after the end of
11 10 the fiscal year for which the appropriation was made. However,
11 11 if the project or projects for which such appropriation was
11 12 made are completed in an earlier fiscal year, unencumbered
11 13 or unobligated moneys shall revert at the close of that same
11 14 fiscal year.

11 15 DIVISION IV

11 16 GROW IOWA VALUES FUND

11 17 Sec. 6. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In
11 18 lieu of the \$50,000,000 appropriated for the fiscal year
11 19 beginning July 1, 2011, and ending June 30, 2012, from
11 20 the grow Iowa values fund to the department of economic
11 21 development pursuant to section 15G.111, subsection 3, there is
11 22 appropriated from the grow Iowa values fund to the department
11 23 of economic development for the fiscal year beginning July 1,
11 24 2011, and ending June 30, 2012, \$11,120,000 for the purposes of
11 25 making expenditures pursuant to chapter 15G.

11 26 Sec. 7. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the
11 27 amounts allocated pursuant to section 15G.111, subsections 4
11 28 through 11, for the fiscal year beginning July 1, 2011, and
11 29 ending June 30, 2012, of the \$11,120,000 appropriated to the
11 30 department of economic development pursuant to this division of
11 31 this Act, the department shall allocate the following amounts
11 32 for the following purposes as described in section 15G.111,
11 33 subsections 4 through 11:

11 34 1. For departmental purposes, \$4,620,000. Of the moneys
11 35 allocated in this subsection, the department may use up to



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12 1 \$400,000 for administrative costs.
12 2 2. For the state board of regents institutions, \$2,500,000.
12 3 3. For state parks, \$0.
12 4 4. For deposit in the Iowa cultural trust fund, \$0.
12 5 5. For community colleges, \$4,000,000.
12 6 6. For regional financial assistance, \$0.
12 7 7. For commercialization services, \$0.
12 8 8. For targeted small business, \$0.
12 9 Sec. 8. NEW SECTION. 15G.107 Subchapter repealed ==== new
12 10 program proposal.
12 11 1. This subchapter of this chapter is repealed on June 30,
12 12 2012.
12 13 2. On or before November 30, 2011, the department of
12 14 economic development shall propose to the general assembly a
12 15 new business development financial assistance program.
12 16 3. On or before November 30, 2011, the department of
12 17 economic development shall propose to the general assembly
12 18 any changes in law necessary to implement the repeal of this
12 19 subchapter.
12 20 Sec. 9. Section 15G.110, Code 2011, is amended by striking
12 21 the section and inserting in lieu thereof the following:
12 22 15G.110 Appropriation.
12 23 For the fiscal year beginning July 1, 2011, and ending June
12 24 30, 2012, there is appropriated to the department of economic
12 25 development eleven million one hundred twenty thousand dollars
12 26 from the rebuild Iowa infrastructure fund for deposit in the
12 27 grow Iowa values fund, notwithstanding section 8.57, subsection
12 28 6, paragraph "c".
12 29 Sec. 10. Section 15G.111, subsection 2, Code 2011, is
12 30 amended by adding the following new paragraph:
12 31 NEW PARAGRAPH. d. Of the moneys transferred to the fund
12 32 pursuant to 2009 Iowa Acts, chapter 123, section 9, the
12 33 department, with the approval of the board, may allocate
12 34 an amount necessary to fund administrative and operations
12 35 costs. An allocation pursuant to this paragraph may be made



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13 1 in addition to any allocations made pursuant to subsection 4,
13 2 paragraph "a".

13 3 DIVISION V

13 4 GAMBLING REVENUES ==== CONTINGENT APPROPRIATION

13 5 Sec. 11. GAMBLING REVENUES ==== APPROPRIATION. For the fiscal
13 6 year beginning July 1, 2011, and ending June 30, 2012, there
13 7 is appropriated from the rebuild Iowa infrastructure fund an
13 8 amount equal to the gambling revenues in excess of the revenue
13 9 estimate determined by the revenue estimating conference on
13 10 March 25, 2011, for the fiscal year ending June 30, 2011,
13 11 pursuant to section 8.22A, subsection 5, paragraph "b", to
13 12 the department of transportation for deposit in the passenger
13 13 rail service revolving fund created in section 327J.2,
13 14 notwithstanding section 8.57, subsection 6, paragraph "c".

13 15 DIVISION VI

13 16 MISCELLANEOUS CODE CHANGES

13 17 Sec. 12. Section 8.57, subsection 6, paragraph f, Code 2011,
13 18 is amended to read as follows:

13 19 f. There is appropriated from the rebuild Iowa
13 20 infrastructure fund to the secure an advanced vision for
13 21 education fund created in section 423F.2, for each fiscal
13 22 year of the fiscal period beginning July 1, 2008, and ending
13 23 June 30, 2010, ~~and for each fiscal year of the fiscal period~~
~~13 24 beginning July 1, 2011, and ending June 30, 2014,~~ the amount of
13 25 the moneys in excess of the first forty-seven million dollars
13 26 credited to the rebuild Iowa infrastructure fund during the
13 27 fiscal year, not to exceed ten million dollars.

13 28 Sec. 13. Section 8.57A, subsection 4, Code 2011, is amended
13 29 to read as follows:

13 30 4. a. There is appropriated from the rebuild Iowa
13 31 infrastructure fund for the fiscal ~~years~~ year beginning July
13 32 ~~1, 2008, July 1, 2009, and July 1, 2011~~ 2012, and for each
13 33 fiscal year thereafter, the sum of forty=~~two~~ million dollars
13 34 to the environment first fund, notwithstanding section 8.57,
13 35 subsection 6, paragraph "c".



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14 1 b. There is appropriated from the rebuild Iowa
14 2 infrastructure fund each fiscal year for the fiscal year period
14 3 beginning July 1, 2010, and ending June 30, ~~2011~~ 2012, the sum
14 4 of thirty=three million dollars to the environment first fund,
14 5 notwithstanding section 8.57, subsection 6, paragraph "c".
14 6 Sec. 14. Section 8.57C, subsection 3, paragraphs a and c,
14 7 Code 2011, are amended to read as follows:
14 8 a. There is appropriated from the general fund of the state
14 9 for the fiscal ~~years~~ year beginning ~~July 1, 2006, July 1,~~
~~14 10 2007,~~ July 1, ~~2011~~ 2012, and for each subsequent fiscal year
14 11 thereafter, the sum of seventeen million five hundred thousand
14 12 dollars to the technology reinvestment fund.
14 13 c. There is appropriated from the rebuild Iowa
14 14 infrastructure fund for ~~the~~ each fiscal year of the period
14 15 beginning July 1, 2010, and ending June 30, 2012, the sum
14 16 of ten million dollars to the technology reinvestment fund,
14 17 notwithstanding section 8.57, subsection 6, paragraph "c".
14 18 Sec. 15. Section 8A.321, subsection 6, Code 2011, is amended
14 19 by adding the following new paragraph:
14 20 NEW PARAGRAPH. d. The department shall issue a request
14 21 for proposals for leasing privately owned office space for
14 22 state employees in the downtown area of the city of Des Moines
14 23 prior to replacing or renovating publicly owned buildings or
14 24 relocating any state agencies to any space in publicly owned
14 25 buildings. The department shall locate state employees in
14 26 office space in the most cost=efficient manner possible. In
14 27 determining cost efficiency, the department shall consider all
14 28 costs of the publicly owned space, the costs of the original
14 29 acquisition of the publicly owned space, the costs of tenant
14 30 improvements to the publicly owned space, and the anticipated
14 31 economic and useful life of the publicly owned building.
14 32 Sec. 16. Section 12.82, subsection 1, Code 2011, is amended
14 33 to read as follows:
14 34 1. A school infrastructure fund is created and established
14 35 as a separate and distinct fund in the state treasury under the



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15 1 control of the department of education. ~~The Notwithstanding~~
15 2 any other provision of this chapter, the fund shall be used for
15 3 purposes of the school infrastructure program established in
15 4 section 292.2.

15 5 Sec. 17. Section 12.82, Code 2011, is amended by adding the
15 6 following new subsection:

15 7 NEW SUBSECTION. 3A. Any amounts remaining in the school
15 8 infrastructure fund at the end of the fiscal year beginning
15 9 July 1, 2010, and for each fiscal year thereafter, which are
15 10 determined by the treasurer of state to be unencumbered and
15 11 unobligated and otherwise unnecessary to make the payments for
15 12 such fiscal year, shall be transferred to the rebuild Iowa
15 13 infrastructure fund.

15 14 Sec. 18. Section 15F.204, subsection 8, paragraph a,
15 15 subparagraph (6), Code 2011, is amended to read as follows:

15 16 (6) For the fiscal year beginning July 1, 2011, and ending
15 17 June 30, 2012, the sum of five million three hundred thousand
15 18 dollars.

15 19 Sec. 19. Section 15F.204, subsection 8, paragraph b, Code
15 20 2011, is amended by striking the paragraph.

15 21 Sec. 20. Section 16.193, subsection 2, Code 2011, is amended
15 22 to read as follows:

15 23 ~~2. During the term of the Iowa jobs program established~~
~~15 24 in section 16.194 and the Iowa jobs II program established~~
~~15 25 in section 16.194A~~ For the period beginning July 1, 2009,
15 26 and ending June 30, 2011, two hundred thousand dollars of
15 27 the moneys deposited in the rebuild Iowa infrastructure
15 28 fund shall be allocated each fiscal year to the Iowa finance
15 29 authority for purposes of administering the Iowa jobs program,
15 30 notwithstanding section 8.57, subsection 6, paragraph "c".

15 31 Sec. 21. EFFECTIVE UPON ENACTMENT. The sections of this
15 32 division amending section 12.82, being deemed of immediate
15 33 importance, takes effect upon enactment.

15 34 DIVISION VII

15 35 CHANGES TO PRIOR APPROPRIATIONS



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16 1 Sec. 22. 2004 Iowa Acts, chapter 1175, section 288,
16 2 subsection 7, paragraph d, as amended by 2010 Iowa Acts,
16 3 chapter 1184, section 51, is amended to read as follows:

16 4 d. For allocation to the public broadcasting division for
16 5 costs of installation of digital and analog television for Iowa
16 6 public television facilities, notwithstanding section 8.57,
16 7 subsection 5, paragraph "c":

16 8	FY 2004=2005.....	\$ 8,000,000
16 9	FY 2005=2006.....	\$ 8,000,000
16 10	FY 2006=2007.....	\$ 2,300,000

16 11 Of the amounts appropriated in this lettered paragraph, up
16 12 to \$1,000,000 may be used for operational costs of the division
16 13 for the fiscal years beginning July 1, 2011, and July 1, 2012.

16 14 Notwithstanding section 8.33, 2004 Iowa Acts, chapter 1175,
16 15 section 290, or any other provision of law, moneys allocated in
16 16 this lettered paragraph that remain unencumbered or unobligated
16 17 at the close of a fiscal year shall not revert but shall
16 18 remain available for expenditure for the purposes designated
16 19 until the close of the fiscal year that begins July 1, 2012.

~~16 20 However, if the projects for which the moneys are appropriated~~
~~16 21 are completed in an earlier fiscal year, unencumbered or~~
~~16 22 unobligated moneys shall revert at the close of that fiscal~~
~~16 23 year.~~

16 24 Sec. 23. 2006 Iowa Acts, chapter 1179, section 18, is
16 25 amended by adding the following new subsection:

16 26 NEW SUBSECTION. 5. Except for the allocation to Des Moines
16 27 area community college and notwithstanding section 8.33, moneys
16 28 appropriated from the endowment for Iowa's health restricted
16 29 capitals fund for the fiscal year beginning July 1, 2006, and
16 30 ending June 30, 2007, in this division of this Act to the
16 31 department of public safety for allocation to the division of
16 32 fire protection that remain unencumbered or unobligated at the
16 33 close of the fiscal year shall not revert but shall remain
16 34 available for expenditure for the purposes designated until
16 35 the close of the fiscal year beginning July 1, 2011, or until



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17 1 the project for which appropriated is completed, whichever is
17 2 earlier. This subsection shall apply in lieu of subsection 1
17 3 of this section.

17 4 Sec. 24. 2007 Iowa Acts, chapter 219, section 2, is amended
17 5 to read as follows:

17 6 SEC. 2. REVERSION.

17 7 1. ~~Notwithstanding~~ Except as provided in subsection 2 and
17 8 notwithstanding section 8.33, moneys appropriated for the
17 9 fiscal year beginning July 1, 2007, in this division of this
17 10 Act that remain unencumbered or unobligated at the close of
17 11 the fiscal year shall not revert but shall remain available
17 12 for the purposes designated until the close of the fiscal year
17 13 that begins July 1, 2010, or until the project for which the
17 14 appropriation was made is completed, whichever is earlier.

17 15 2. a. ~~Notwithstanding~~ section 8.33, moneys appropriated
17 16 in section 1, subsection 1, paragraphs "a" and "f" of this
17 17 division of this Act that remain unencumbered or unobligated at
17 18 the close of the fiscal year for which they were appropriated
17 19 shall not revert but shall remain available for the purposes
17 20 designated until the close of the fiscal year that begins July
17 21 1, 2011, or until the project for which the appropriation was
17 22 made is completed, whichever is earlier.

17 23 b. The department of administrative services is authorized
17 24 to provide for the disposition and relocation of structures
17 25 located at 707 east locust and 709 east locust, Des Moines,
17 26 Iowa, in a manner as deemed appropriate by the department.
17 27 The disposition of the structures, if possible, shall be
17 28 completed in a manner that reduces or eliminates the costs
17 29 of the state associated with the removal of the structures
17 30 from their current locations. Any amount received from the
17 31 disposition of the structures as permitted under this section
17 32 shall be retained by the department to pay for improvement
17 33 costs associated with the restoration of the west capitol
17 34 terrace. The department, if unable to otherwise dispose of the
17 35 structures, is authorized to demolish the structure using other



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18 1 appropriate funding available to the department.

18 2 Sec. 25. 2008 Iowa Acts, chapter 1179, section 7, as amended

18 3 by 2009 Iowa Acts, chapter 173, section 21, and 2010 Iowa Acts,

18 4 chapter 1184, section 58, is amended to read as follows:

18 5 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is

18 6 appropriated from the rebuild Iowa infrastructure fund to

18 7 the department of economic development for the designated

18 8 fiscal years the following amounts, or so much thereof as is

18 9 necessary, to be used for the purposes designated:

18 10 For deposit into the river enhancement community attraction

18 11 and tourism fund created in 2008 Iowa Acts, Senate File 2430,

18 12 if enacted:

18 13 FY 2009=2010	\$	0
18 14 FY 2010=2011.....	\$	0
18 15 FY 2011=2012	\$	10,000,000
18 16		<u>3,000,000</u>
18 17 FY 2012=2013.....	\$	10,000,000

18 18 Notwithstanding section 8.33, moneys appropriated in this

18 19 section for the fiscal year beginning July 1, 2011, and ending

18 20 June 30, 2012, shall not revert at the close of the fiscal year

18 21 for which they are appropriated but shall remain available

18 22 for the purpose designated until the close of the fiscal year

18 23 that begins July 1, 2014, or until the project for which the

18 24 appropriation was made is completed, whichever is earlier.

18 25 Notwithstanding section 8.33, moneys appropriated in this

18 26 section for the fiscal year beginning July 1, 2012, and ending

18 27 June 30, 2013, shall not revert at the close of the fiscal year

18 28 for which they are appropriated but shall remain available

18 29 for the purpose designated until the close of the fiscal year

18 30 that begins July 1, 2015, or until the project for which the

18 31 appropriation was made is completed, whichever is earlier.

18 32 Sec. 26. 2010 Iowa Acts, chapter 1184, section 2, subsection

18 33 3, is amended to read as follows:

18 34 3. DEPARTMENT OF TRANSPORTATION

18 35 For deposit into the passenger rail service revolving



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19 1 fund created in section 327J.2 for matching federal funding
19 2 available through the federal Passenger Rail Investment
19 3 and Improvement Act of 2008 for passenger rail service,
19 4 notwithstanding section 8.57, subsection 6, paragraph "c":
19 5 FY 2011=2012..... \$ 6,500,000
19 6 0
19 7 FY 2012=2013..... \$ 6,500,000
19 8 It is the intent of the general assembly to fund up to
19 9 \$20 million over a four-year period to fully fund the state
19 10 commitment for matching federal funding available through the
19 11 federal Passenger Rail Investment and Improvement Act of 2008.
19 12 Sec. 27. 2010 Iowa Acts, chapter 1184, section 10,
19 13 subsection 8, is amended to read as follows:
19 14 8. TREASURER OF STATE
19 15 For transfer to the watershed improvement review board
19 16 created in section 466A.3 for grants associated with the
~~19 17 construction and restoration of wetland easements and flood~~
~~19 18 prevention watershed improvement projects:~~
19 19 \$ 2,000,000
19 20 Notwithstanding section 466A.5, moneys from the
19 21 appropriation in this subsection shall not be used for
19 22 administrative purposes.
19 23 Sec. 28. 2010 Iowa Acts, chapter 1184, section 14, is
19 24 amended to read as follows:
19 25 SEC. 14. There is appropriated from the ~~FY 2009 prison~~
~~19 26 bonding fund created pursuant to section 12.79~~~~rebuild Iowa~~
19 27 infrastructure fund to the department of corrections for the
19 28 fiscal year beginning July 1, 2010, and ending June 30, 2011,
19 29 the following amount, or so much thereof as is necessary, to be
19 30 used for the purpose designated, notwithstanding section 8.57,
19 31 subsection 6, paragraph "c":
19 32 ~~For costs associated with the building of a new Iowa State~~
~~19 33 penitentiary at Fort Madison~~ project management costs at Fort
19 34 Madison and Mitchellville prisons, associated with construction
19 35 projects at the department:



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Senate Study Bill 1215 continued

20 1 \$ 322,500
20 2 ~~The appropriation made in this section constitutes approval~~
~~20 3 by the general assembly for the issuance of bonds by the~~
~~20 4 treasurer of state pursuant to section 12.80.~~
20 5 Sec. 29. 2010 Iowa Acts, chapter 1184, section 37, is
20 6 amended to read as follows:
20 7 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
20 8 APPROPRIATION. There is appropriated from the school
20 9 infrastructure fund created in section 12.82 to the department
20 10 of economic development for the fiscal year beginning July
20 11 1, 2010, and ending June 30, 2011, the following amount, or
20 12 so much thereof as is necessary, to be used for the purposes
20 13 designated:
20 14 For providing site development consultations pursuant to
20 15 section 15E.18, including salaries, support, maintenance,
20 16 miscellaneous purposes, and for not more than the following
20 17 full-time equivalent positions, notwithstanding section 12.82,
20 18 subsection 1:
20 19 \$ 175,000
20 20 FTEs 1.00
20 21 Of the moneys appropriated to the department pursuant to
20 22 this section, the department may allocate up to \$75,000 for
20 23 purposes of contracting with third parties to provide site
20 24 development consultations.
20 25 Sec. 30. 2010 Iowa Acts, chapter 1184, section 39, is
20 26 amended to read as follows:
20 27 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
20 28 APPROPRIATION. There is appropriated from the school
20 29 infrastructure fund created in section 12.82 to the department
20 30 of economic development for the fiscal year beginning July
20 31 1, 2010, and ending June 30, 2011, the following amount, or
20 32 so much thereof as is necessary, to be used for the purposes
20 33 designated:
20 34 For purposes of creating a business assistance internet
20 35 site, notwithstanding section 12.82, subsection 1:



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Senate Study Bill 1215 continued

21 1 \$ 20,000
21 2 Sec. 31. 2010 Iowa Acts, chapter 1184, section 43, is
21 3 amended to read as follows:
21 4 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
21 5 APPROPRIATION. There is appropriated from the school
21 6 infrastructure fund created in section 12.82 to the department
21 7 of economic development for deposit in the save our small
21 8 businesses fund for the fiscal year beginning July 1, 2010, and
21 9 ending June 30, 2011, the following amount, or so much thereof
21 10 as is necessary, to be used for the purposes designated,
21 11 notwithstanding section 12.82, subsection 1:
21 12 For purposes of providing financial assistance under the
21 13 save our small businesses program under section 15.301:
21 14 \$ 5,000,000
21 15 Of the moneys appropriated pursuant to this section, the
21 16 department may allocate an amount not to exceed two percent of
21 17 the moneys appropriated for purposes of retaining the services
21 18 of an organization designated pursuant to section 15.301,
21 19 subsection 2, paragraph "b".
21 20 Sec. 32. 2010 Iowa Acts, chapter 1193, section 6, is amended
21 21 to read as follows:
21 22 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID ====

21 23 APPROPRIATION. In lieu of the appropriation provided
21 24 in section 257.20, there is appropriated from the school
21 25 infrastructure fund created in section 12.82, subsection 1,
21 26 to the department of education for the fiscal year beginning
21 27 July 1, 2010, and ending June 30, 2011, the following amount,
21 28 or so much thereof as is necessary, to be used for the purposes
21 29 designated:
21 30 For paying instructional support state aid for fiscal year
21 31 2010=2011, notwithstanding section 12.82, subsection 1:
21 32 \$ 7,500,000
21 33 Notwithstanding section 257.20, subsection 3, the
21 34 appropriation made in this lettered paragraph shall be
21 35 allocated in the same manner as the allocation of the



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Senate Study Bill 1215 continued

22 1 appropriation was made for the same purpose in the previous
22 2 fiscal year.
22 3 Sec. 33. 2011 Iowa Acts, House File 45, section 2,
22 4 subsection 2, is amended by adding the following new paragraph:
22 5 c. This subsection shall not apply to any appropriations
22 6 for the fiscal year beginning July 1, 2010, receiving a
22 7 supplemental appropriation under 2011 Iowa Acts, Senate File
22 8 209, or any multiyear appropriation that includes the fiscal
22 9 year beginning July 1, 2009, for equipment as determined by the
22 10 department of management.

22 11 Sec. 34. EFFECTIVE UPON ENACTMENT. This division of this
22 12 Act, being deemed of immediate importance, takes effect upon
22 13 enactment.

22 14 Sec. 35. RETROACTIVE APPLICABILITY. The provision of this
22 15 division of this Act amending 2011 Iowa Acts, House File 45,
22 16 section 2, subsection 2, applies retroactively to March 7,
22 17 2011.

DIVISION VIII

MISCELLANEOUS

22 20 Sec. 36. WELCOME CENTER DESIGNATION.
22 21 Notwithstanding any provision of section 15.272 to the
22 22 contrary, the department of economic development shall by
22 23 January 1, 2012, select a site in or near the city of Nashua for
22 24 designation as a statewide welcome center under the statewide
22 25 welcome center program.

22 26 Sec. 37. IOWA BUILDING LEASES. The department of
22 27 administrative services may utilize space in the Iowa building
22 28 for purposes of entering into short term leases with persons
22 29 associated with the media who request space for the purpose
22 30 of providing media coverage of the 2012 Iowa presidential
22 31 caucuses. Moneys received pursuant to any such lease
22 32 agreements shall be retained by and are appropriated to the
22 33 department for purposes of operational costs of the Iowa
22 34 building.

DIVISION IX



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23 1 CONDITIONAL EFFECTIVE DATE
23 2 AND RETROACTIVE APPLICABILITY
23 3 Sec. 38. EFFECTIVE DATE AND RETROACTIVE
23 4 APPLICABILITY. Unless otherwise provided, this Act, if
23 5 approved by the governor on or after July 1, 2011, takes effect
23 6 upon enactment and applies retroactively to July 1, 2011.
23 7 EXPLANATION
23 8 This bill relates to and makes, reduces, and transfers
23 9 appropriations to state departments and agencies from the
23 10 rebuild Iowa infrastructure fund, the technology reinvestment
23 11 fund, the revenue bonds capitals fund, and other funds, and
23 12 provides for related matters and effective dates.
23 13 REBUILD IOWA INFRASTRUCTURE FUND APPROPRIATIONS. This
23 14 division appropriates project funding for FY 2011=2012 from
23 15 the rebuild Iowa infrastructure fund, including projects for
23 16 the departments of administrative services, for the blind,
23 17 corrections, cultural affairs, economic development, education,
23 18 human services, natural resources, public defense, public
23 19 safety, transportation, and veterans affairs, and to the state
23 20 board of regents and the treasurer of state.
23 21 The division appropriates project funding for FY 2012=2013
23 22 from the rebuild Iowa infrastructure fund, including projects
23 23 for the departments of corrections, natural resources, and
23 24 public safety, and to the state board of regents.
23 25 The division appropriates project funding for FY 2013=2014
23 26 from the rebuild Iowa infrastructure fund to the departments of
23 27 corrections, natural resources, and public safety, and to the
23 28 state board of regents.
23 29 The division appropriates project funding for FY 2014=2015
23 30 from the rebuild Iowa infrastructure fund to the state board
23 31 of regents.
23 32 TECHNOLOGY REINVESTMENT FUND ==== APPROPRIATIONS. This
23 33 division appropriates project funding for FY 2011=2012
23 34 from the technology reinvestment fund to the departments of
23 35 administrative services, corrections, education, human rights,



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24 1 human services, management, and public safety, and to the Iowa
24 2 telecommunications and technology commission.
24 3 REVENUE BONDS CAPITALS FUND ==== APPROPRIATIONS. This
24 4 division appropriates project funding for FY 2011=2012 from the
24 5 revenue bonds capitals fund to the department of corrections.
24 6 GROW IOWA VALUES FUND. Division IV makes appropriations
24 7 to the department of economic development in lieu of the
24 8 standing appropriations for the grow Iowa values fund in Code
24 9 chapter 15G. The division appropriates \$11.62 million to the
24 10 department and directs that \$2.5 million be allocated to the
24 11 state board of regents and \$4 million to the community colleges
24 12 for the purposes described in Code chapter 15G. The remainder
24 13 may be used for departmental purposes. The division repeals
24 14 the grow Iowa values fund and financial assistance program as
24 15 of June 30, 2012, and requires the department to propose a
24 16 new financial assistance program to the general assembly by
24 17 November 30, 2011.
24 18 GAMBLING REVENUES ==== CONTINGENT APPROPRIATION. This
24 19 division appropriates for the fiscal year beginning July 1,
24 20 2010, from the rebuild Iowa infrastructure fund an amount equal
24 21 to the gambling revenues in excess of the revenue estimate to
24 22 the department of transportation for deposit in the passenger
24 23 rail revolving fund.
24 24 MISCELLANEOUS CODE CHANGES. This division eliminates
24 25 FY 2011=2012, FY 2012=2013, and FY 2013=2014 standing
24 26 appropriations from the rebuild Iowa infrastructure fund to the
24 27 secure an advanced vision for education fund created in Code
24 28 section 423F.2.
24 29 The division reduces the FY 2011=2012 standing appropriation
24 30 from the rebuild Iowa infrastructure fund to the environment
24 31 first fund from \$42 million to \$33 million.
24 32 The division eliminates the \$17.5 million standing
24 33 appropriation from the general fund of the state to the
24 34 technology reinvestment fund for FY 2011=2012 and appropriates
24 35 \$10 million from the rebuild Iowa infrastructure fund to the



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Senate Study Bill 1215 continued

25 1 technology reinvestment fund for FY 2011=2012.
25 2 The division amends Code section 8A.321 to require the
25 3 department of administrative services to issue a request for
25 4 proposals for leasing privately owned office space for state
25 5 employees in downtown Des Moines before replacing or renovating
25 6 publicly owned buildings or relocating state agencies to any
25 7 space in publicly owned buildings. Location of state employees
25 8 in office space must be done in the most cost=efficient manner
25 9 possible.
25 10 The division amends Code section 12.82 to provide that any
25 11 amounts remaining in the school infrastructure fund at the end
25 12 of the fiscal year beginning July 1, 2010, shall be transferred
25 13 to the rebuild Iowa infrastructure fund. This provision takes
25 14 effect upon enactment.
25 15 The division increases the standing appropriation for FY
25 16 2011=2012 from the rebuild Iowa infrastructure fund to the
25 17 community attraction and tourism fund from \$5 million to \$5.3
25 18 million.
25 19 The division eliminates standing appropriations for FY
25 20 2011=2012 and FY 2012=2013 from the franchise tax revenues
25 21 deposited in the general fund of the state to the community
25 22 attraction and tourism fund.
25 23 The division eliminates the standing appropriation from the
25 24 rebuild Iowa infrastructure fund to the Iowa finance authority
25 25 for deposit into the housing trust fund for FY 2011=2012.
25 26 The division eliminates the \$200,000 appropriation from the
25 27 rebuild Iowa infrastructure fund to the Iowa finance authority
25 28 for administration of the Iowa jobs program.
25 29 This division provides that up to \$1 million of amounts
25 30 allocated to the public broadcasting division for installation
25 31 of digital and analog television for Iowa public television
25 32 broadcasting facilities can be used for operational costs of
25 33 the division for FY 2011=2012.
25 34 CHANGES TO PRIOR APPROPRIATIONS. The division extends the
25 35 reversion date for projects appropriated to the department of



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Senate Study Bill 1215 continued

26 1 public safety from the endowment for Iowa's health restricted
26 2 capitals fund for FY 2006=2007.

26 3 The division provides that moneys appropriated for FY
26 4 2007=2008 from the rebuild Iowa infrastructure fund to the
26 5 department of administrative services for relocation and
26 6 project costs directly associated with remodeling projects
26 7 on the capitol complex and facility lease payments and
26 8 for restoration of the west capitol terrace that remain
26 9 unencumbered or unobligated do not revert but remain available
26 10 in FY 2011=2012 for disposition and relocation of designated
26 11 structures and improvement costs associated with the
26 12 restoration of the west capitol terrace.

26 13 The division reduces from \$10 million to \$3 million
26 14 the appropriation for FY 2011=2012 from the rebuild Iowa
26 15 infrastructure fund to the department of economic development
26 16 for deposit into the river enhancement community attraction and
26 17 tourism fund.

26 18 The division eliminates the \$6.5 million appropriation from
26 19 the rebuild Iowa infrastructure fund to the department of
26 20 transportation for the passenger rail service revolving fund
26 21 for FY 2011=2012 and adds an appropriation in that amount for
26 22 FY 2012=2013.

26 23 The division makes changes to the FY 2010=2011
26 24 appropriations from the revenue bonds capitals II fund to the
26 25 treasurer of state, from FY 2009 prison bonding fund to the
26 26 department of corrections, and from the school infrastructure
26 27 fund to the department of economic development.

26 28 The division specifies that appropriations from the school
26 29 infrastructure fund to the department of economic development
26 30 for a business assistance internet site and the save our
26 31 small businesses fund and to the department of education for
26 32 instructional support school aid are made notwithstanding the
26 33 requirements of Code section 12.82, subsection 1.

26 34 The division provides that the limitation on state
26 35 departments for purchasing office supplies and equipment,



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Senate Study Bill 1215 continued

27 1 printing, and marketing enacted in 2011 Iowa Acts, House File
27 2 45, is not applicable to specified appropriations. This
27 3 provision is retroactively applicable to March 2, 2011.
27 4 The division takes effect upon enactment.
27 5 MISCELLANEOUS. This division requires the department of
27 6 economic development to select a site in or near the city of
27 7 Nashua for designation as a statewide welcome center. The
27 8 division also allows the department of administrative services
27 9 to enter into short term leases for space in the Iowa building
27 10 with persons associated with the media who are covering the
27 11 2012 Iowa presidential caucuses.
27 12 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
27 13 Unless otherwise provided, the bill, if approved by the
27 14 governor on or after July 1, 2011, takes effect upon enactment
27 15 and applies retroactively to July 1, 2011.

LSB 2823XC (10) 84
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Senate Study Bill 1216

SENATE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to an making appropriations to designated state
2 departments, agencies, funds, and certain other entities,
3 providing for regulatory authority, and other properly
4 related matters, and including effective date and contingent
5 retroactive applicability date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2818XC (13) 84
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Senate Study Bill 1216 continued

PAG LIN

1 1 DIVISION I
1 2 ADMINISTRATION AND REGULATION
1 3 FY 2011=2012
1 4 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
1 5 1. There is appropriated from the general fund of the state
1 6 to the department of administrative services for the fiscal
1 7 year beginning July 1, 2011, and ending June 30, 2012, the
1 8 following amounts, or so much thereof as is necessary, to be
1 9 used for the purposes designated, and for not more than the
1 10 following full-time equivalent positions:
1 11 a. For salaries, support, maintenance, and miscellaneous
1 12 purposes:
1 13 \$ 4,020,344
1 14 FTEs 84.18
1 15 b. For the payment of utility costs:
1 16 \$ 2,704,460
1 17 FTEs 1.00
1 18 Notwithstanding section 8.33, any excess funds appropriated
1 19 for utility costs in this lettered paragraph shall not revert
1 20 to the general fund of the state at the end of the fiscal year
1 21 but shall remain available for expenditure for the purposes of
1 22 this lettered paragraph during the succeeding fiscal year.
1 23 c. For Terrace Hill operations:
1 24 \$ 405,914
1 25 FTEs 6.88
1 26 d. For the I3 distribution account:
1 27 \$ 3,277,946
1 28 e. For operations and maintenance of the Iowa building:
1 29 \$ 995,535
1 30 FTEs 7.00
1 31 2. Members of the general assembly serving as members of
1 32 the deferred compensation advisory board shall be entitled
1 33 to receive per diem and necessary travel and actual expenses
1 34 pursuant to section 2.10, subsection 5, while carrying out
1 35 their official duties as members of the board.



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Senate Study Bill 1216 continued

2 1 3. Any funds and premiums collected by the department for
2 2 workers' compensation shall be segregated into a separate
2 3 workers' compensation fund in the state treasury to be used
2 4 for payment of state employees' workers' compensation claims
2 5 and administrative costs. Notwithstanding section 8.33,
2 6 unencumbered or unobligated moneys remaining in this workers'
2 7 compensation fund at the end of the fiscal year shall not
2 8 revert but shall be available for expenditure for purposes of
2 9 the fund for subsequent fiscal years.

2 10 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.

2 11 1. A state agency that has entered into a lease for any
2 12 buildings or office space shall forward a copy of each such
2 13 existing lease to the department of administrative services for
2 14 review prior to July 1, 2011.

2 15 2. A state agency that is in the process of entering into or
2 16 renewing a lease for any building or office space shall contact
2 17 the department of administrative services prior to finalizing
2 18 such lease. Such lease shall not be entered into or renewed
2 19 without the approval of the department.

2 20 3. The department shall provide space management services
2 21 and begin to lease all buildings and office space wherever
2 22 located throughout the state as provided in section 8A.321,
2 23 as amended by this Act, as soon as practicable, but by
2 24 no later than December 1, 2011. Prior to assuming those
2 25 responsibilities, the department shall review and approve
2 26 leases under subsection 2 unless, in the department's
2 27 discretion, it is determined that entering into or renewing
2 28 such lease would not be in the best interests of the state.

2 29 4. The department is authorized to assess a fee to a state
2 30 agency for which a lease is negotiated or renewed pursuant
2 31 to this Act sufficient to cover the department's costs in
2 32 providing space management services under this Act.

2 33 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.

2 34 1. If this Act is approved by the governor prior to July 1,
2 35 2011, the electronic online travel authorization form provided



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Senate Study Bill 1216 continued

3 1 for in section 8A.512A, if enacted, shall be developed on or
3 2 before July 1, 2011, and executive branch employees subject to
3 3 that section seeking reimbursement shall utilize the form on
3 4 and after that date.

3 5 2. The database to be made available by the department of
3 6 administrative services as provided in section 8A.512A, if
3 7 enacted, shall be developed and available for public access on
3 8 or before January 1, 2012.

3 9 3. The department shall develop a plan for converting
3 10 the existing reimbursement process to a paperless process,
3 11 including implementation steps, a timeline, and an estimated
3 12 budget. The plan shall be submitted to the governor by no
3 13 later than January 1, 2012.

3 14 Sec. 4. REVOLVING FUNDS. There is appropriated to the
3 15 department of administrative services for the fiscal year
3 16 beginning July 1, 2011, and ending June 30, 2012, from the
3 17 revolving funds designated in chapter 8A and from internal
3 18 service funds created by the department such amounts as the
3 19 department deems necessary for the operation of the department
3 20 consistent with the requirements of chapter 8A.

3 21 Sec. 5. FUNDING FOR IOWACCESS.

3 22 1. Notwithstanding section 321A.3, subsection 1, for the
3 23 fiscal year beginning July 1, 2011, and ending June 30, 2012,
3 24 the first \$750,000 collected and transferred by the department
3 25 of transportation to the treasurer of state with respect to the
3 26 fees for transactions involving the furnishing of a certified
3 27 abstract of a vehicle operating record under section 321A.3,
3 28 subsection 1, shall be transferred to the IowAccess revolving
3 29 fund for the purposes of developing, implementing, maintaining,
3 30 and expanding electronic access to government records as
3 31 provided by law.

3 32 2. All fees collected with respect to transactions
3 33 involving IowAccess shall be deposited in the IowAccess
3 34 revolving fund and shall be used only for the support of
3 35 IowAccess projects.



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Senate Study Bill 1216 continued

4 1 3. For the fiscal year beginning July 1, 2011, and ending
4 2 June 30, 2012, there is appropriated from the IowAccess
4 3 revolving fund, to the office of the secretary of state \$75,000
4 4 for costs associated with decennial redistricting.

4 5 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
4 6 CHARGE. For the fiscal year beginning July 1, 2011, and ending
4 7 June 30, 2012, the monthly per contract administrative charge
4 8 which may be assessed by the department of administrative
4 9 services shall be \$2 per contract on all health insurance plans
4 10 administered by the department.

4 11 Sec. 7. AUDITOR OF STATE.

4 12 1. There is appropriated from the general fund of the state
4 13 to the office of the auditor of state for the fiscal year
4 14 beginning July 1, 2011, and ending June 30, 2012, the following
4 15 amount, or so much thereof as is necessary, to be used for
4 16 the purposes designated, and for not more than the following
4 17 full-time equivalent positions:

4 18 For salaries, support, maintenance, and miscellaneous
4 19 purposes:

4 20	\$	814,921
4 21	FTEs	103.00

4 22 2. The auditor of state may retain additional full-time
4 23 equivalent positions as is reasonable and necessary to
4 24 perform governmental subdivision audits which are reimbursable
4 25 pursuant to section 11.20 or 11.21, to perform audits which are
4 26 requested by and reimbursable from the federal government, and
4 27 to perform work requested by and reimbursable from departments
4 28 or agencies pursuant to section 11.5A or 11.5B. The auditor
4 29 of state shall notify the department of management, the
4 30 legislative fiscal committee, and the legislative services
4 31 agency of the additional full-time equivalent positions
4 32 retained.

4 33 3. The auditor of state shall allocate resources from the
4 34 appropriation in this section solely for audit work related to
4 35 the comprehensive annual financial report, federally required



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Senate Study Bill 1216 continued

5 1 audits, and investigations of embezzlement, theft, or other
5 2 significant financial irregularities until the audit of the
5 3 comprehensive annual financial report is complete.
5 4 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
5 5 is appropriated from the general fund of the state to the
5 6 Iowa ethics and campaign disclosure board for the fiscal year
5 7 beginning July 1, 2011, and ending June 30, 2012, the following
5 8 amount, or so much thereof as is necessary, for the purposes
5 9 designated:
5 10 For salaries, support, maintenance, and miscellaneous
5 11 purposes, and for not more than the following full-time
5 12 equivalent positions:
5 13 \$ 500,000
5 14 FTEs 5.00
5 15 Sec. 9. DEPARTMENT OF COMMERCE.
5 16 1. There is appropriated from the general fund of the
5 17 state to the department of commerce for the fiscal year
5 18 beginning July 1, 2011, and ending June 30, 2012, the following
5 19 amounts, or so much thereof as is necessary, for the purposes
5 20 designated:
5 21 a. ALCOHOLIC BEVERAGES DIVISION
5 22 (1) For salaries, support, maintenance, and miscellaneous
5 23 purposes, and for not more than the following full-time
5 24 equivalent positions:
5 25 \$ 1,220,391
5 26 FTEs 21.00
5 27 (2) Of the funds appropriated pursuant to this paragraph, up
5 28 to \$60,000 shall be used to establish and implement a web-based
5 29 alcohol compliance employee training program for alcoholic
5 30 beverage sales personnel.
5 31 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
5 32 For salaries, support, maintenance, and miscellaneous
5 33 purposes, and for not more than the following full-time
5 34 equivalent positions:
5 35 \$ 600,353



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Senate Study Bill 1216 continued

6 1 FTEs 12.00
6 2 2. There is appropriated from the department of commerce
6 3 revolving fund created in section 546.12 to the department of
6 4 commerce for the fiscal year beginning July 1, 2011, and ending
6 5 June 30, 2012, the following amounts, or so much thereof as is
6 6 necessary, for the purposes designated:
6 7 a. BANKING DIVISION
6 8 For salaries, support, maintenance, and miscellaneous
6 9 purposes, and for not more than the following full=time
6 10 equivalent positions:
6 11 \$ 8,851,670
6 12 FTEs 80.00
6 13 b. CREDIT UNION DIVISION
6 14 For salaries, support, maintenance, and miscellaneous
6 15 purposes, and for not more than the following full=time
6 16 equivalent positions:
6 17 \$ 1,727,995
6 18 FTEs 19.00
6 19 c. INSURANCE DIVISION
6 20 (1) For salaries, support, maintenance, and miscellaneous
6 21 purposes, and for not more than the following full=time
6 22 equivalent positions:
6 23 \$ 4,983,244
6 24 FTEs 106.50
6 25 (2) The insurance division may reallocate authorized
6 26 full=time equivalent positions as necessary to respond to
6 27 accreditation recommendations or requirements. The insurance
6 28 division expenditures for examination purposes may exceed the
6 29 projected receipts, refunds, and reimbursements, estimated
6 30 pursuant to section 505.7, subsection 7, including the
6 31 expenditures for retention of additional personnel, if the
6 32 expenditures are fully reimbursable and the division first does
6 33 both of the following:
6 34 (a) Notifies the department of management, the legislative
6 35 services agency, and the legislative fiscal committee of the



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7 1 need for the expenditures.

7 2 (b) Files with each of the entities named in subparagraph
7 3 division (a) the legislative and regulatory justification for
7 4 the expenditures, along with an estimate of the expenditures.

7 5 d. UTILITIES DIVISION

7 6 (1) For salaries, support, maintenance, and miscellaneous
7 7 purposes, and for not more than the following full-time
7 8 equivalent positions:

7 9 \$ 8,173,069
7 10 FTEs 79.00

7 11 (2) The utilities division may expend additional funds,
7 12 including funds for additional personnel, if those additional
7 13 expenditures are actual expenses which exceed the funds
7 14 budgeted for utility regulation and the expenditures are fully
7 15 reimbursable. Before the division expends or encumbers an
7 16 amount in excess of the funds budgeted for regulation, the
7 17 division shall first do both of the following:

7 18 (a) Notify the department of management, the legislative
7 19 services agency, and the legislative fiscal committee of the
7 20 need for the expenditures.

7 21 (b) File with each of the entities named in subparagraph
7 22 division (a) the legislative and regulatory justification for
7 23 the expenditures, along with an estimate of the expenditures.

7 24 (3) Notwithstanding sections 8.33 and 476.10 or any other
7 25 provisions to the contrary, any unencumbered or unobligated
7 26 balance of the appropriation made in this paragraph for the
7 27 utilities division or any other operational appropriation made
7 28 for the fiscal year beginning July 1, 2011, and ending June
7 29 30, 2012, that remains unused, unencumbered, or unobligated at
7 30 the close of the fiscal year shall not revert but shall remain
7 31 available to be used for purposes of the energy-efficient
7 32 building project authorized under section 476.10B, or for
7 33 relocation costs in succeeding fiscal years.

7 34 3. CHARGES. Each division and the office of consumer
7 35 advocate shall include in its charges assessed or revenues



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8 1 generated an amount sufficient to cover the amount stated
8 2 in its appropriation and any state=assessed indirect costs
8 3 determined by the department of administrative services.
8 4 Sec. 10. DEPARTMENT OF COMMERCE ==== PROFESSIONAL LICENSING
8 5 AND REGULATION BUREAU. There is appropriated from the housing
8 6 trust fund of the Iowa finance authority created in section
8 7 16.181, to the bureau of professional licensing and regulation
8 8 of the banking division of the department of commerce for the
8 9 fiscal year beginning July 1, 2011, and ending June 30, 2012,
8 10 the following amount, or so much thereof as is necessary, to be
8 11 used for the purposes designated:
8 12 For salaries, support, maintenance, and miscellaneous
8 13 purposes:
8 14 \$ 62,317
8 15 Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There is
8 16 appropriated from the general fund of the state to the offices
8 17 of the governor and the lieutenant governor for the fiscal year
8 18 beginning July 1, 2011, and ending June 30, 2012, the following
8 19 amounts, or so much thereof as is necessary, to be used for the
8 20 purposes designated:
8 21 For salaries, support, maintenance, and miscellaneous
8 22 purposes:
8 23 \$ 2,299,068
8 24 FTEs 22.88
8 25 Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
8 26 from the general fund of the state to the department of human
8 27 rights for the fiscal year beginning July 1, 2011, and ending
8 28 June 30, 2012, the following amounts, or so much thereof as is
8 29 necessary, to be used for the purposes designated:
8 30 1. CENTRAL ADMINISTRATION DIVISION
8 31 For salaries, support, maintenance, and miscellaneous
8 32 purposes, and for not more than the following full=time
8 33 equivalent positions:
8 34 \$ 206,103
8 35 FTEs 7.00



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9 1 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
9 2 For salaries, support, maintenance, and miscellaneous
9 3 purposes, and for not more than the following full=time
9 4 equivalent positions:
9 5 \$ 1,056,792
9 6 FTEs 17.00
9 7 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
9 8 For salaries, support, maintenance, and miscellaneous
9 9 purposes, and for not more than the following full=time
9 10 equivalent positions:
9 11 \$ 1,073,892
9 12 FTEs 10.00
9 13 The criminal and juvenile justice planning advisory council
9 14 and the juvenile justice advisory council shall coordinate
9 15 their efforts in carrying out their respective duties relative
9 16 to juvenile justice.
9 17 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There
9 18 is appropriated from the general fund of the state to the
9 19 department of inspections and appeals for the fiscal year
9 20 beginning July 1, 2011, and ending June 30, 2012, the following
9 21 amounts, or so much thereof as is necessary, for the purposes
9 22 designated:
9 23 1. ADMINISTRATION DIVISION
9 24 For salaries, support, maintenance, and miscellaneous
9 25 purposes, and for not more than the following full=time
9 26 equivalent positions:
9 27 \$ 1,527,740
9 28 FTEs 37.40
9 29 2. ADMINISTRATIVE HEARINGS DIVISION
9 30 For salaries, support, maintenance, and miscellaneous
9 31 purposes, and for not more than the following full=time
9 32 equivalent positions:
9 33 \$ 553,973
9 34 FTEs 23.00
9 35 3. INVESTIGATIONS DIVISION



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10 1 a. For salaries, support, maintenance, and miscellaneous
10 2 purposes, and for not more than the following full-time
10 3 equivalent positions:
10 4 \$ 1,168,639
10 5 FTEs 58.50
10 6 b. The department, in coordination with the investigations
10 7 division, shall provide a report to the general assembly by
10 8 January 10, 2012, concerning the fiscal impact of additional
10 9 full-time equivalent positions on the department's efforts
10 10 relative to the Medicaid divestiture program under chapter
10 11 249F.
10 12 4. HEALTH FACILITIES DIVISION
10 13 a. For salaries, support, maintenance, and miscellaneous
10 14 purposes, and for not more than the following full-time
10 15 equivalent positions:
10 16 \$ 3,562,739
10 17 FTEs 134.75
10 18 b. The department shall, in coordination with the health
10 19 facilities division, make the following information available
10 20 to the public in a timely manner, to include providing the
10 21 information on the department's internet website, during the
10 22 fiscal year beginning July 1, 2011, and ending June 30, 2012:
10 23 (1) The number of inspections conducted by the division
10 24 annually by type of service provider and type of inspection.
10 25 (2) The total annual operations budget for the division,
10 26 including general fund appropriations and federal contract
10 27 dollars received by type of service provider inspected.
10 28 (3) The total number of full-time equivalent positions in
10 29 the division, to include the number of full-time equivalent
10 30 positions serving in a supervisory capacity, and serving as
10 31 surveyors, inspectors, or monitors in the field by type of
10 32 service provider inspected.
10 33 (4) Identification of state and federal survey trends,
10 34 cited regulations, the scope and severity of deficiencies
10 35 identified, and federal and state fines assessed and collected



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11 1 concerning nursing and assisted living facilities and programs.
11 2 c. It is the intent of the general assembly that the
11 3 department and division continuously solicit input from
11 4 facilities regulated by the division to assess and improve
11 5 the division's level of collaboration and to identify new
11 6 opportunities for cooperation.

11 7 5. EMPLOYMENT APPEAL BOARD

11 8 a. For salaries, support, maintenance, and miscellaneous
11 9 purposes, and for not more than the following full-time
11 10 equivalent positions:

11 11	\$	42,215
11 12	FTEs	14.00

11 13 b. The employment appeal board shall be reimbursed by
11 14 the labor services division of the department of workforce
11 15 development for all costs associated with hearings conducted
11 16 under chapter 91C, related to contractor registration. The
11 17 board may expend, in addition to the amount appropriated under
11 18 this subsection, additional amounts as are directly billable
11 19 to the labor services division under this subsection and to
11 20 retain the additional full-time equivalent positions as needed
11 21 to conduct hearings required pursuant to chapter 91C.

11 22 6. CHILD ADVOCACY BOARD

11 23 a. For foster care review and the court appointed special
11 24 advocate program, including salaries, support, maintenance, and
11 25 miscellaneous purposes, and for not more than the following
11 26 full-time equivalent positions:

11 27	\$	2,794,473
11 28	FTEs	40.80

11 29 b. The department of human services, in coordination with
11 30 the child advocacy board and the department of inspections and
11 31 appeals, shall submit an application for funding available
11 32 pursuant to Tit. IV=E of the federal Social Security Act for
11 33 claims for child advocacy board administrative review costs.

11 34 c. The court appointed special advocate program shall
11 35 investigate and develop opportunities for expanding



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12 1 fund=raising for the program.
12 2 d. Administrative costs charged by the department of
12 3 inspections and appeals for items funded under this subsection
12 4 shall not exceed 4 percent of the amount appropriated in this
12 5 subsection.
12 6 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS ==== MUNICIPAL
12 7 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
12 8 July 1, 2011, and ending June 30, 2012, the department of
12 9 inspections and appeals shall retain any license fees generated
12 10 during the fiscal year as a result of actions under section
12 11 137F.3A occurring during the period beginning July 1, 2009,
12 12 and ending June 30, 2011, for the purpose of enforcing the
12 13 provisions of chapters 137C, 137D, and 137F.
12 14 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS ====
12 15 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
12 16 provision of section 135C.16 to the contrary, inspections of
12 17 health care facilities that are only state=licensed and not
12 18 certified under the Medicare or Medicaid programs shall not be
12 19 inspected by the department of inspections and appeals every
12 20 thirty months, but only as provided pursuant to sections 135C.9
12 21 and 135C.38.
12 22 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS ==== GENERAL
12 23 SUPPORT ==== MEDICAID FRAUD FUND APPROPRIATION. There is
12 24 appropriated from the Medicaid fraud fund created in section
12 25 249.7 to the health facilities division of the department of
12 26 inspections and appeals for the fiscal year beginning July
12 27 1, 2011, and ending June 30, 2012, the following amount, or
12 28 so much thereof as is necessary, to be used for the purposes
12 29 designated:
12 30 For additional health facility surveyors, compliance
12 31 officers, and residential care facility surveyors:
12 32 \$ 650,000
12 33 Sec. 17. DEPARTMENT OF INSPECTIONS AND APPEALS ==== STATE
12 34 MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND APPROPRIATION. There
12 35 is appropriated from the Medicaid fraud fund created in section



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13 1 249A.7 to the department of inspections and appeals for the
13 2 fiscal year beginning July 1, 2011, and ending June 30, 2012,
13 3 the amounts necessary for the purposes designated:
13 4 1. To cover the cost of any state match to draw down
13 5 matching federal funds through the department of human services
13 6 for additional full-time equivalent positions for conducting
13 7 investigations of alleged fraud and overpayments of food
13 8 assistance benefits through electronic benefits transfer.
13 9 2. For the state financial match requirement for meeting
13 10 the federal mandates connected with the department's Medicaid
13 11 fraud and abuse activities, and the amount necessary to cover
13 12 costs incurred by the department or other agencies in providing
13 13 regulation, responding to allegations, or other activity
13 14 involving chapter 1350.
13 15 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
13 16 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
13 17 APPROPRIATION. There is appropriated from the Medicaid fraud
13 18 fund created in section 249A.7 to the department of inspections
13 19 and appeals for the fiscal year beginning July 1, 2011, and
13 20 ending June 30, 2012, the following amount, or so much thereof
13 21 as is necessary, to be used for the purposes designated:
13 22 For salaries, support, maintenance, miscellaneous purposes,
13 23 administration, and other costs associated with implementation
13 24 of 2010 Iowa Acts, chapter 1177:
13 25 \$ 250,000
13 26 Sec. 19. RACING AND GAMING COMMISSION.
13 27 1. RACETRACK REGULATION
13 28 There is appropriated from the gaming regulatory revolving
13 29 fund established in section 99F.20 to the racing and gaming
13 30 commission of the department of inspections and appeals for the
13 31 fiscal year beginning July 1, 2011, and ending June 30, 2012,
13 32 the following amount, or so much thereof as is necessary, to be
13 33 used for the purposes designated:
13 34 For salaries, support, maintenance, and miscellaneous
13 35 purposes for the regulation of pari-mutuel racetracks, and for



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14 1 not more than the following full=time equivalent positions:
14 2 \$ 2,511,440
14 3 FTEs 28.53
14 4 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
14 5 There is appropriated from the gaming regulatory revolving
14 6 fund established in section 99F.20 to the racing and gaming
14 7 commission of the department of inspections and appeals for the
14 8 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 9 the following amount, or so much thereof as is necessary, to be
14 10 used for the purposes designated:
14 11 For salaries, support, maintenance, and miscellaneous
14 12 purposes for administration and enforcement of the excursion
14 13 boat gambling and gambling structure laws, and for not more
14 14 than the following full=time equivalent positions:
14 15 \$ 3,078,100
14 16 FTEs 44.22
14 17 Sec. 20. ROAD USE TAX FUND APPROPRIATION ==== DEPARTMENT OF
14 18 INSPECTIONS AND APPEALS. There is appropriated from the road
14 19 use tax fund created in section 312.1 to the administrative
14 20 hearings division of the department of inspections and appeals
14 21 for the fiscal year beginning July 1, 2011, and ending June 30,
14 22 2012, the following amount, or so much thereof as is necessary,
14 23 for the purposes designated:
14 24 For salaries, support, maintenance, and miscellaneous
14 25 purposes:
14 26 \$ 1,623,897
14 27 Sec. 21. DEPARTMENT OF MANAGEMENT.
14 28 1. There is appropriated from the general fund of the state
14 29 to the department of management for the fiscal year beginning
14 30 July 1, 2011, and ending June 30, 2012, the following amounts,
14 31 or so much thereof as is necessary, to be used for the purposes
14 32 designated:
14 33 For salaries, support, maintenance, and miscellaneous
14 34 purposes, and for not more than the following full=time
14 35 equivalent positions:



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15 1 \$ 2,423,998
15 2 FTEs 25.00
15 3 2. Of the moneys appropriated in this section, the
15 4 department shall use a portion for enterprise resource
15 5 planning, providing for a salary model administrator,
15 6 conducting performance audits, and for the department's LEAN
15 7 process.
15 8 Sec. 22. ROAD USE TAX APPROPRIATION ==== DEPARTMENT OF
15 9 MANAGEMENT. There is appropriated from the road use tax fund
15 10 created in section 312.1 to the department of management for
15 11 the fiscal year beginning July 1, 2011, and ending June 30,
15 12 2012, the following amount, or so much thereof as is necessary,
15 13 to be used for the purposes designated:
15 14 For salaries, support, maintenance, and miscellaneous
15 15 purposes:
15 16 \$ 56,000
15 17 Sec. 23. DEPARTMENT OF REVENUE.
15 18 1. There is appropriated from the general fund of the state
15 19 to the department of revenue for the fiscal year beginning July
15 20 1, 2011, and ending June 30, 2012, the following amounts, or
15 21 so much thereof as is necessary, to be used for the purposes
15 22 designated:
15 23 For salaries, support, maintenance, and miscellaneous
15 24 purposes, and for not more than the following full-time
15 25 equivalent positions:
15 26 \$ 17,705,459
15 27 FTEs 303.48
15 28 2. Of the funds appropriated pursuant to this section,
15 29 \$400,000 shall be used to pay the direct costs of compliance
15 30 related to the collection and distribution of local sales and
15 31 services taxes imposed pursuant to chapters 423B and 423E.
15 32 3. The director of revenue shall prepare and issue a state
15 33 appraisal manual and the revisions to the state appraisal
15 34 manual as provided in section 421.17, subsection 17, without
15 35 cost to a city or county.



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16 1 Sec. 24. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
16 2 appropriated from the motor fuel tax fund created by section
16 3 452A.77 to the department of revenue for the fiscal year
16 4 beginning July 1, 2011, and ending June 30, 2012, the following
16 5 amount, or so much thereof as is necessary, to be used for the
16 6 purposes designated:

16 7 For salaries, support, maintenance, miscellaneous purposes,
16 8 and for administration and enforcement of the provisions of
16 9 chapter 452A and the motor vehicle use tax program:
16 10 \$ 1,305,775

16 11 Sec. 25. SECRETARY OF STATE.

16 12 1. There is appropriated from the general fund of the state
16 13 to the office of the secretary of state for the fiscal year
16 14 beginning July 1, 2011, and ending June 30, 2012, the following
16 15 amounts, or so much thereof as is necessary, to be used for the
16 16 purposes designated:

16 17 For salaries, support, maintenance, and miscellaneous
16 18 purposes, and for not more than the following full-time
16 19 equivalent positions:
16 20 \$ 2,860,585
16 21 FTEs 45.00

16 22 2. The state department or state agency which provides
16 23 data processing services to support voter registration file
16 24 maintenance and storage shall provide those services without
16 25 charge.

16 26 Sec. 26. SECRETARY OF STATE FILING FEES REFUND.

16 27 Notwithstanding the obligation to collect fees pursuant to the
16 28 provisions of section 490.122, subsection 1, paragraphs "a" and
16 29 "s", and section 504.113, subsection 1, paragraphs "a", "c",
16 30 "d", "j", "k", "l", and "m", for the fiscal year beginning July
16 31 1, 2011, the secretary of state may refund these fees to the
16 32 filer pursuant to rules established by the secretary of state.
16 33 The decision of the secretary of state not to issue a refund
16 34 under rules established by the secretary of state is final and
16 35 not subject to review pursuant to chapter 17A.



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17 1 Sec. 27. TREASURER.
17 2 1. There is appropriated from the general fund of the
17 3 state to the office of treasurer of state for the fiscal year
17 4 beginning July 1, 2011, and ending June 30, 2012, the following
17 5 amount, or so much thereof as is necessary, to be used for the
17 6 purposes designated:
17 7 For salaries, support, maintenance, and miscellaneous
17 8 purposes, and for not more than the following full=time
17 9 equivalent positions:
17 10 \$ 854,289
17 11 FTEs 28.80
17 12 2. The office of treasurer of state shall supply clerical
17 13 and secretarial support for the executive council.
17 14 Sec. 28. ROAD USE TAX APPROPRIATION ==== OFFICE OF TREASURER
17 15 OF STATE. There is appropriated from the road use tax fund
17 16 created in section 312.1 to the office of treasurer of state
17 17 for the fiscal year beginning July 1, 2011, and ending June 30,
17 18 2012, the following amount, or so much thereof as is necessary,
17 19 to be used for the purposes designated:
17 20 For enterprise resource management costs related to the
17 21 distribution of road use tax funds:
17 22 \$ 93,148
17 23 Sec. 29. IPERS ==== GENERAL OFFICE. There is appropriated
17 24 from the Iowa public employees' retirement system fund to the
17 25 Iowa public employees' retirement system for the fiscal year
17 26 beginning July 1, 2011, and ending June 30, 2012, the following
17 27 amount, or so much thereof as is necessary, to be used for the
17 28 purposes designated:
17 29 For salaries, support, maintenance, and other operational
17 30 purposes to pay the costs of the Iowa public employees'
17 31 retirement system, and for not more than the following
17 32 full=time equivalent positions:
17 33 \$ 17,686,968
17 34 FTEs 90.13
17 35 Sec. 30. STATE CAPITOL SIDEWALK HEATING ====



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18 1 DISCONNECTION. The department of administrative services
18 2 shall disconnect electricity to the heated sidewalk installed
18 3 in the entry walkway on the East side of the state capitol
18 4 building, and shall not reconnect the electricity without the
18 5 authorization of the general assembly.

18 6 Sec. 31. Section 8A.111, subsection 4, Code 2011, is amended
18 7 by striking the subsection.

18 8 Sec. 32. Section 8A.311, subsection 15, Code 2011, is
18 9 amended to read as follows:

18 10 15. a. A bidder ~~awarded~~, to be considered for an award
18 11 of a state construction contract, shall disclose to the state
18 12 agency awarding the contract the names of all subcontractors,
~~18 13 and suppliers~~ who will work on the project being bid, within
18 14 forty-eight hours after the ~~award of the contract~~ published
18 15 date and time by which bids must be submitted.

18 16 b. A bidder shall not replace a subcontractor or supplier
18 17 disclosed under paragraph "a" without the approval of the state
18 18 agency awarding the contract.

18 19 c. A bidder, prior to an award or who is awarded a state
18 20 construction contract, shall disclose all of the following, as
18 21 applicable:

18 22 ~~b.~~ (1) If a subcontractor ~~named~~ or supplier disclosed under
18 23 paragraph "a" by a bidder ~~awarded a state construction contract~~
18 24 is replaced, ~~or if the reason for replacement and the name of~~
18 25 the new subcontractor or supplier.

18 26 (2) If the cost of work to be done by a subcontractor or
18 27 supplier is ~~reduced~~, the bidder shall disclose the name of
~~18 28 the new subcontractor or changed or if the replacement of a~~
18 29 subcontractor or supplier results in a change in the cost, the
18 30 amount of the ~~reduced~~ change in cost.

18 31 Sec. 33. Section 8A.315, subsection 1, paragraph d, Code
18 32 2011, is amended by striking the paragraph.

18 33 Sec. 34. Section 8A.321, subsection 6, Code 2011, is amended
18 34 to read as follows:

18 35 6. a. Lease all buildings and office space necessary to



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19 1 carry out the provisions of this subchapter or necessary for
19 2 the proper functioning of any state agency ~~at the seat of~~
~~19 3 government wherever located throughout the state.~~ For state
19 4 agencies at the seat of government, the director may lease
19 5 buildings and office space in Polk county or in a county
19 6 contiguous to Polk county. If no specific appropriation
19 7 has been made, the proposed lease shall be submitted to the
19 8 executive council for approval. The cost of any lease for
19 9 which no specific appropriation has been made shall be paid
19 10 from the fund provided in section 7D.29. Additionally, the
19 11 director shall also develop cooperative relationships with the
19 12 state board of regents in order to promote colocation of state
19 13 agencies.

19 14 b. When the general assembly is not in session, the director
19 15 may request moneys from the executive council for moving
19 16 state agencies ~~located at the seat of government~~ from one
19 17 location to another. The request may include moving costs,
19 18 telecommunications costs, repair costs, or any other costs
19 19 relating to the move. The executive council may approve and
19 20 shall pay the costs from funds provided in section 7D.29 if it
19 21 determines the agency or department has no available funds for
19 22 these expenses.

~~19 23 e. Coordinate the leasing of buildings and office space by~~
~~19 24 state agencies throughout the state and develop cooperative~~
~~19 25 relationships with the state board of regents in order to~~
~~19 26 promote the colocation of state agencies.~~

19 27 Sec. 35. Section 8A.327, subsection 1, Code 2011, is amended
19 28 to read as follows:

19 29 1. A rent revolving fund is created in the state treasury
19 30 under the control of the department to be used by the
19 31 department to pay the lease or rental costs of all buildings
19 32 and office space necessary for the proper functioning of any
19 33 state agency ~~at the seat of state government wherever located~~
19 34 throughout the state as provided in section 8A.321, subsection
19 35 6, except that this fund shall not be used to pay the rental



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20 1 or lease costs of a state agency which has not received funds
20 2 budgeted for rental or lease purposes.

20 3 Sec. 36. Section 8A.361, Code 2011, is amended to read as
20 4 follows:

20 5 8A.361 Vehicle assignment ==== authority in department.

20 6 The department shall provide for the assignment of all
20 7 ~~state-owned~~ motor vehicles ~~to~~ utilized by all state officers
20 8 and employees, and ~~to~~ by all state offices, departments,
20 9 bureaus, and commissions, except the state department of
20 10 transportation, institutions under the control of the state
20 11 board of regents, the department for the blind, and any other
20 12 agencies exempted by law.

20 13 Sec. 37. Section 8A.362, subsection 4, paragraphs a through
20 14 c, Code 2011, are amended to read as follows:

20 15 a. The director shall provide for the purchase of ~~all~~ motor
20 16 vehicles for all branches of the state government, except the
20 17 state department of transportation, institutions under the
20 18 control of the state board of regents, the department for the
20 19 blind, and any other state agency exempted by law, which are
20 20 not rented or leased pursuant to section 8A.367. The director
20 21 shall purchase new vehicles in accordance with competitive
20 22 bidding procedures for items or services as provided in
20 23 this subchapter. The director may purchase used or preowned
20 24 vehicles at governmental or dealer auctions if the purchase is
20 25 determined to be in the best interests of the state.

20 26 b. The director, and any other state agency, which for
20 27 purposes of this subsection includes but is not limited to
20 28 community colleges and institutions under the control of the
20 29 state board of regents, or local governmental subdivisions
20 30 purchasing new motor vehicles, shall purchase ~~new passenger~~
20 31 motor vehicles and light trucks, which are not rented or leased
20 32 pursuant to section 8A.367, so that the average fuel efficiency
20 33 for the fleet of new passenger vehicles and light trucks
20 34 purchased in that year equals or exceeds the average fuel
20 35 economy standard for the vehicles' model year as established by



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21 1 the United States secretary of transportation under 15 U.S.C.
21 2 { 2002. This paragraph does not apply to vehicles purchased
21 3 for law enforcement purposes or used for off=road maintenance
21 4 work, or work vehicles used to pull loaded trailers.
21 5 c. Not later than June 15 of each year, the director
21 6 shall report compliance with the corporate average fuel
21 7 economy standards published by the United States secretary
21 8 of transportation for ~~new~~ assigned motor vehicles, other
21 9 than motor vehicles purchased by the state department of
21 10 transportation, institutions under the control of the state
21 11 board of regents, the department for the blind, and any other
21 12 state agency exempted from the requirements of this subsection.
21 13 The report of compliance shall classify the vehicles ~~purchased~~
~~21 14~~ assigned for the current vehicle model year using the following
21 15 categories: passenger automobiles, enforcement automobiles,
21 16 vans, and light trucks. The director shall deliver a copy
21 17 of the report to the office of energy independence. As used
21 18 in this paragraph, "corporate average fuel economy" means the
21 19 corporate average fuel economy as defined in 49 C.F.R. { 533.5.
21 20 Sec. 38. Section 8A.362, subsection 5, Code 2011, is amended
21 21 by striking the subsection.
21 22 Sec. 39. Section 8A.362, subsections 7 through 9, Code 2011,
21 23 are amended to read as follows:
21 24 7. The director may authorize the establishment of motor
21 25 pools consisting of a number of ~~state-owned~~ state=assigned
21 26 motor vehicles under the director's supervision. The director
21 27 may store the motor vehicles in a public or private garage. If
21 28 the director establishes a motor pool, any state officer or
21 29 employee desiring the use of a ~~state-owned~~ state=assigned motor
21 30 vehicle on state business shall notify the director of the need
21 31 for a vehicle within a reasonable time prior to actual use of
21 32 the motor vehicle. The director may assign a motor vehicle
21 33 from the motor pool to the state officer or employee, or from
21 34 the vendor awarded a contract pursuant to section 8A.367. If
21 35 two or more state officers or employees desire the use of a



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22 1 ~~state=owned~~ state=assigned motor vehicle for a trip to the
22 2 same destination for the same length of time, the director may
22 3 assign one vehicle to make the trip.
22 4 8. The director shall require that a sign be placed on
22 5 each state=owned motor vehicle in a conspicuous place which
22 6 indicates its ownership by the state. This requirement
22 7 shall not apply to motor vehicles requested to be exempt by
22 8 the director or by the commissioner of public safety. All
22 9 state=owned motor vehicles shall display registration plates
22 10 bearing the word "official" except motor vehicles requested to
22 11 be furnished with ordinary plates by the director or by the
22 12 commissioner of public safety pursuant to section 321.19. The
22 13 director shall keep an accurate record of the registration
22 14 plates used on all state=owned motor vehicles. This subsection
22 15 shall not apply to an assigned vehicle rented or leased
22 16 pursuant to section 8A.367.

22 17 9. All fuel used in ~~state=owned~~ state=assigned automobiles
22 18 shall be purchased at cost from the various installations
22 19 or garages of the state department of transportation, state
22 20 board of regents, department of human services, or state motor
22 21 pools throughout the state, unless the state=owned sources
22 22 for the purchase of fuel are not reasonably accessible. If
22 23 the director determines that state=owned sources for the
22 24 purchase of fuel are not reasonably accessible, the director
22 25 shall authorize the purchase of fuel from other sources. The
22 26 director may prescribe a manner, other than the use of the
22 27 revolving fund, in which the purchase of fuel from state=owned
22 28 sources is charged to the state agency responsible for the
22 29 use of the motor vehicle. The director shall prescribe the
22 30 manner in which oil and other normal motor vehicle maintenance
22 31 for state=owned motor vehicles may be purchased from private
22 32 sources, if they cannot be reasonably obtained from a state
22 33 motor pool. The director may advertise for bids and award
22 34 contracts in accordance with competitive bidding procedures
22 35 for items and services as provided in this subchapter for



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23 1 furnishing fuel, oil, grease, and vehicle replacement parts for
23 2 all state-owned motor vehicles. The director and other state
23 3 agencies, when advertising for bids for gasoline, shall also
23 4 seek bids for ethanol blended gasoline.

23 5 Sec. 40. Section 8A.363, subsection 1, Code 2011, is amended
23 6 to read as follows:

23 7 1. A state officer or employee shall not use a ~~state-owned~~
~~23 8~~ ~~state=assigned~~ motor vehicle for personal private use. A
23 9 state officer or employee shall not be compensated for driving
23 10 a privately owned motor vehicle unless it is done on state
23 11 business with the approval of the director. In that case
23 12 the state officer or employee shall receive an amount to be
23 13 determined by the director. The amount shall not exceed
23 14 the maximum allowable under the federal internal revenue
23 15 service rules per mile, notwithstanding established mileage
23 16 requirements or depreciation allowances. However, the director
23 17 may authorize private motor vehicle rates in excess of the
23 18 rate allowed under the federal internal revenue service rules
23 19 for state business use of substantially modified or specially
23 20 equipped privately owned vehicles required by persons with
23 21 disabilities. A statutory provision establishing reimbursement
23 22 for necessary mileage, travel, or actual expenses to a state
23 23 officer falls under the private motor vehicle mileage rate
23 24 limitation provided in this section unless specifically
23 25 provided otherwise. Any peace officer employed by the state
23 26 as defined in section 801.4 who is required to use a private
23 27 motor vehicle in the performance of official duties shall
23 28 receive the private vehicle mileage rate at the rate provided
23 29 in this section. However, the director may delegate authority
23 30 to officials of the state, and department heads, for the
23 31 use of private vehicles on state business up to a yearly
23 32 mileage figure established by the director. If a ~~state~~ motor
23 33 vehicle has been assigned to a state officer or employee, the
23 34 officer or employee shall not collect mileage for the use of a
23 35 privately owned motor vehicle unless the ~~state~~ motor vehicle



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24 1 assigned is not usable.
24 2 Sec. 41. NEW SECTION. 8A.367 State=owned passenger vehicles
24 3 ==== disposition and sale ==== fleet privatization.
24 4 1. For purposes of this section, "passenger vehicles"
24 5 means United States environmental protection agency designated
24 6 compact sedans, compact wagon, midsize sedans, midsize wagons,
24 7 full=size sedans, and passenger minivans, and additional
24 8 vehicle classes determined by the department to be able to be
24 9 reasonably supported by a private entity for rental or leasing.
24 10 "Passenger vehicles" does not mean utility vehicles, vans other
24 11 than passenger minivans, fire trucks, ambulances, motor homes,
24 12 buses, medium=duty and heavy=duty trucks, heavy construction
24 13 equipment, and other highway maintenance vehicles, vehicles
24 14 assigned for law enforcement purposes, and any other classes of
24 15 vehicles of limited application approved by the director of the
24 16 department of administrative services.
24 17 2. On or before September 30, 2011, the department shall
24 18 implement a request for proposal process to enter into a
24 19 contract for the purpose of state passenger vehicle rental or
24 20 leasing from a private entity. Prior to awarding a contract, a
24 21 private entity shall demonstrate the following:
24 22 a. Existence of sufficient inventory of passenger vehicles
24 23 within this state to accommodate the needs of the state in
24 24 assigning passenger vehicles.
24 25 b. Existence of adequate personnel in any county within
24 26 the state where rental and leasing activity can be supported
24 27 to satisfy the terms of the contract in renting or leasing
24 28 state=assigned vehicles.
24 29 c. Existence of adequate personnel to facilitate the
24 30 sale and disposition of the existing state=owned passenger
24 31 vehicles returned to the department pursuant to subsection 3 or
24 32 otherwise under the control of the department. Notwithstanding
24 33 the provisions of section 8A.364 to the contrary, proceeds from
24 34 the sale of motor vehicles as provided by this subsection shall
24 35 be credited to the fund from which the motor vehicles were



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25 1 purchased.

25 2 3. By March 1, 2012, the department shall award a vehicle
25 3 rental or leasing contract to a private entity, and shall
25 4 assign passenger vehicles for rental or lease pursuant to that
25 5 contract, to the extent the department determines doing so
25 6 would be economically feasible and financially advantageous.
25 7 By March 1, 2012, all state=assigned passenger vehicles
25 8 designated for use by multiple drivers, and located in any
25 9 county of this state which can support the operation of a
25 10 private entity for rental and leasing purposes, which the
25 11 department determines would be suitable for rental or leasing
25 12 shall be returned to the department for use and disposition as
25 13 provided in this section.

25 14 4. Notwithstanding any other provision of state law to the
25 15 contrary, a private entity awarded a contract pursuant to this
25 16 section shall not be required to indemnify or hold harmless the
25 17 state for any liability the state might have to any third party
25 18 due to the negligence of the state or any of its employees.

25 19 5. The department shall conduct an ongoing evaluation
25 20 regarding the economic advantages of renting or leasing
25 21 state=assigned vehicles versus state ownership of such
25 22 vehicles, and shall accordingly adjust the number of vehicles
25 23 subject to the rental and leasing contract pursuant to this
25 24 section at intervals specified in the contract.

25 25 Sec. 42. Section 8A.512, subsection 2, Code 2011, is amended
25 26 by striking the subsection.

25 27 Sec. 43. NEW SECTION. 8A.512A Executive branch employee
25 28 travel ==== information and database.

25 29 1. The department shall develop and maintain the following:

25 30 a. An electronic travel authorization form to be used
25 31 for any executive branch employee's reimbursable travel,
25 32 conference, or related expenditures associated with
25 33 the employee's official duties. The electronic travel
25 34 authorization form shall include all of the following:

25 35 (1) The identification of the employee, the employee's



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26 1 title, and the employee's department or agency.
26 2 (2) The travel departure point and destination point.
26 3 (3) The reason for the travel.
26 4 (4) The estimated reimbursable expenses.
26 5 (5) The date or dates upon which the travel is to occur.
26 6 b. A searchable database available on the department's
26 7 internet site containing information related to all executive
26 8 branch employee travel that includes all of the following:
26 9 (1) The identification of the employee who engaged in the
26 10 travel, the employee's department or agency, and the employee's
26 11 title.
26 12 (2) The travel departure point and destination point.
26 13 (3) The reason for the travel.
26 14 (4) The actual amount of expenses reimbursed.
26 15 (5) The date or dates upon which the travel occurred.
26 16 c. Notwithstanding paragraph "b" of this subsection, the
26 17 searchable database shall not include information regarding
26 18 travel by officers and employees of the department of
26 19 public safety occurring in relation to or during the course
26 20 of criminal investigations, including but not limited to
26 21 undercover operations.
26 22 2. A claim for reimbursement for any travel, conference, or
26 23 related expenditures shall only be allowed after the occurrence
26 24 of both of the following:
26 25 a. The electronic travel authorization form is approved by
26 26 the head of the employee's department.
26 27 b. The request for reimbursement is submitted by the
26 28 employee on the appropriate form with required approvals.
26 29 3. For purposes of this section, "executive branch employee"
26 30 means an employee of the executive branch as defined in section
26 31 7E.2, other than a member or employee of the state board of
26 32 regents and institutions under the control of the state board
26 33 of regents.
26 34 Sec. 44. Section 22.3A, subsection 1, paragraph e, Code
26 35 2011, is amended to read as follows:



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27 1 e. "Data processing software" means an ordered set of
27 2 instructions or statements that, when executed by a computer,
27 3 causes the computer to process data, and includes any program
27 4 or set of programs, procedures, or routines used to employ
27 5 and control capabilities of computer hardware. As used in
27 6 this paragraph "data processing software" includes but is not
27 7 limited to an operating system, compiler, assembler, utility,
27 8 library resource, maintenance routine, application, ~~or~~ computer
27 9 networking program, or the associated documentation.

27 10 Sec. 45. Section 80E.1, Code 2011, is amended to read as
27 11 follows:

27 12 80E.1 ~~Drug policy coordinator.~~ Duties.

27 13 1. ~~A drug policy coordinator shall be appointed by the~~
~~27 14 governor, subject to confirmation by the senate, and shall~~
~~27 15 serve at the pleasure of the governor. The governor shall fill~~
~~27 16 a vacancy in the office in the same manner as the original~~
~~27 17 appointment was made. The coordinator shall be selected~~
~~27 18 primarily for administrative ability. The coordinator shall~~
~~27 19 not be selected on the basis of political affiliation and shall~~
~~27 20 not engage in political activity while holding the office. The~~
~~27 21 salary of the coordinator shall be fixed by the governor.~~

27 22 ~~2. 1. The coordinator~~ department of public safety, in
27 23 coordination with the Iowa department of public health, shall:

27 24 a. ~~Direct the governor's office of drug control policy,~~
~~27 25 and coordinate~~ Coordinate and monitor all statewide narcotics
27 26 enforcement efforts, coordinate and monitor all state and
27 27 federal substance abuse treatment grants and programs,
27 28 coordinate and monitor all statewide substance abuse prevention
27 29 and education programs in communities and schools, and engage
27 30 in such other related activities as required by law. In
27 31 carrying out these responsibilities, the department shall
27 32 be primarily responsible for drug enforcement efforts and
27 33 activities, and the Iowa department of public health shall be
27 34 primarily responsible for drug abuse prevention and treatment
27 35 efforts and activities. The coordinator ~~departments~~ shall work



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28 1 in coordinating ~~the~~ their efforts ~~of the~~ with the department of
28 2 corrections, the department of education, ~~the Iowa department~~
~~28 3 of public health, the department of public safety, and the~~
28 4 department of human services. The ~~coordinator~~ departments
28 5 shall assist in the development and implementation of local and
28 6 community strategies to fight substance abuse, including local
28 7 law enforcement, education, and treatment activities.

28 8 b. Submit an annual report to the governor and general
28 9 assembly by November 1 of each year concerning the activities
28 10 and programs of the ~~coordinator~~ departments and other
28 11 departments related to drug enforcement, substance abuse
28 12 treatment programs, and substance abuse prevention and
28 13 education programs. The report shall include an assessment
28 14 of needs with respect to programs related to substance abuse
28 15 treatment and narcotics enforcement.

28 16 c. Submit an advisory budget recommendation to the governor
28 17 and general assembly concerning enforcement programs, treatment
28 18 programs, and education programs related to drugs within the
28 19 various departments. The ~~coordinator~~ departments shall work
28 20 with these departments in developing the departmental budget
28 21 requests to be submitted to the legislative services agency and
28 22 the general assembly.

28 23 Sec. 46. Section 80E.2, subsection 1, paragraphs a and e,
28 24 Code 2011, are amended to read as follows:

28 25 a. The ~~drug policy coordinator~~ commissioner, who shall serve
28 26 as chairperson of the council.

28 27 e. ~~The~~ A member jointly designated by the commissioner of
28 28 public safety, or the commissioner's designee and the director
28 29 of the Iowa department of public health.

28 30 Sec. 47. Section 99D.14, subsection 2, Code 2011, is amended
28 31 by adding the following new paragraph:

28 32 NEW PARAGRAPH. c. Notwithstanding sections 8.60 and 99D.17,
28 33 the portion of the fee paid pursuant to paragraph "a" relating
28 34 to the costs of the commission, shall not be deposited in the
28 35 general fund of the state but instead shall be deposited into



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29 1 the gaming regulatory revolving fund established in section
29 2 99F.20.
29 3 Sec. 48. Section 99F.10, subsection 4, Code 2011, is amended
29 4 by adding the following new paragraph:
29 5 NEW PARAGRAPH. c. Notwithstanding sections 8.60 and 99F.4,
29 6 the portion of the fee paid pursuant to paragraph "a" relating
29 7 to the costs of the commission, shall not be deposited in the
29 8 general fund of the state but instead shall be deposited into
29 9 the gaming regulatory revolving fund established in section
29 10 99F.20.
29 11 Sec. 49. NEW SECTION. 99F.20 Gaming regulatory revolving
29 12 fund.
29 13 1. A gaming regulatory revolving fund is created in
29 14 the state treasury under the control of the department of
29 15 inspections and appeals. The fund shall consist of fees
29 16 collected and deposited into the fund paid by licensees
29 17 pursuant to section 99D.14, subsection 2, paragraph "c", and
29 18 fees paid by licensees pursuant to section 99F.10, subsection
29 19 4, paragraph "c". All costs relating to racetrack, excursion
29 20 boat, and gambling structure regulation shall be paid from the
29 21 fund as provided in appropriations made for this purpose by
29 22 the general assembly. The department shall provide quarterly
29 23 reports to the department of management and the legislative
29 24 services agency specifying revenues billed and collected and
29 25 expenditures from the fund in a format as determined by the
29 26 department of management in consultation with the legislative
29 27 services agency.
29 28 2. To meet the department's cash flow needs, the department
29 29 may temporarily use funds from the general fund of the state
29 30 to pay expenses in excess of moneys available in the revolving
29 31 fund if those additional expenditures are fully reimbursable
29 32 and the department reimburses the general fund of the state
29 33 and ensures all moneys are repaid in full by the close of the
29 34 fiscal year. Notwithstanding any provision to the contrary,
29 35 the department shall, to the fullest extent possible, make



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30 1 an estimate of billings and make such billings as early as
30 2 possible in each fiscal year, so that the need for the use of
30 3 general fund moneys is minimized to the lowest extent possible.
30 4 Periodic billings shall be deemed sufficient to satisfy this
30 5 requirement. Because any general fund moneys used shall be
30 6 fully reimbursed, such temporary use of funds from the general
30 7 fund of the state shall not constitute an appropriation for
30 8 purposes of calculating the state general fund expenditure
30 9 limitation pursuant to section 8.54.

30 10 3. Section 8.33 does not apply to any moneys credited or
30 11 appropriated to the revolving fund from any other fund.

30 12 4. The establishment of the revolving fund pursuant to this
30 13 section shall not be interpreted in any manner to compromise
30 14 or impact the accountability of, or limit authority with
30 15 respect to, the department under state law. Any provision
30 16 applicable to, or responsibility of, the department shall not
30 17 be altered or impacted by the existence of the fund and shall
30 18 remain applicable to the same extent as if the department were
30 19 receiving moneys pursuant to a general fund appropriation.
30 20 The department shall comply with directions by the governor
30 21 to executive branch departments regarding restrictions on
30 22 out-of-state travel, hiring justifications, association
30 23 memberships, equipment purchases, consulting contracts, and
30 24 any other expenditure efficiencies that the governor deems
30 25 appropriate.

30 26 Sec. 50. Section 124.101, subsection 21, Code 2011, is
30 27 amended by striking the subsection.

30 28 Sec. 51. Section 124.212A, subsection 5, Code 2011, is
30 29 amended to read as follows:

30 30 5. Enter the purchaser's name, address, date of purchase,
30 31 time of purchase, name of the pseudoephedrine product
30 32 purchased, and the quantity sold in the electronic logbook. If
30 33 the electronic logbook is unavailable, an alternative record
30 34 shall be kept that complies with the rules adopted by both the
30 35 ~~office~~ department and the board.



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31 1 Sec. 52. Section 124.212B, subsections 1, 5, 8, and 9, Code
31 2 2011, are amended to read as follows:

31 3 1. The ~~office~~ department shall establish a real-time
31 4 electronic repository to monitor and control the sale of
31 5 schedule V products containing any detectable amount of
31 6 pseudoephedrine, its salts, or optical isomers, or salts
31 7 of optical isomers; ephedrine; or phenylpropanolamine. A
31 8 pharmacy dispensing such products shall report all such sales
31 9 electronically to a central repository under the control of the
31 10 ~~office~~ department.

31 11 5. If the electronic logbook is unavailable for use, a
31 12 paper record for each sale shall be maintained including
31 13 the purchaser's signature. Any paper record maintained by
31 14 the pharmacy shall be provided to the ~~office~~ department for
31 15 inclusion in the electronic real-time central repository as
31 16 soon as practicable.

31 17 8. Both the ~~office~~ department and the board shall adopt
31 18 rules to administer this section.

31 19 9. The ~~office~~ department shall report to the board on
31 20 an annual basis, beginning January 1, 2010, regarding the
31 21 repository, including the effectiveness of the repository in
31 22 discovering unlawful sales of pseudoephedrine products.

31 23 Sec. 53. Section 124.212C, subsections 1, 2, and 4, Code
31 24 2011, are amended to read as follows:

31 25 1. The ~~office~~ department shall establish a pseudoephedrine
31 26 advisory council to provide input and advise the ~~office~~
~~31 27~~ department regarding the implementation and maintenance of
31 28 the statewide real-time central repository established under
31 29 section 124.212B to monitor sales of pseudoephedrine. The
31 30 ~~office~~ department shall specify the duties, responsibilities,
31 31 and other related matters of the advisory council.

31 32 2. a. The council shall consist of four licensed
31 33 pharmacists. The ~~office~~ department shall solicit
31 34 recommendations for membership on the council from the Iowa
31 35 pharmacy association and Iowa retail federation, and shall



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32 1 appoint members from the recommendations. The council shall
32 2 include a member from an independent pharmacy, a member from
32 3 a regional chain pharmacy, and a member from a national chain
32 4 pharmacy. The license of any member must be current and not
32 5 subject to disciplinary sanctions.
32 6 b. The council shall also consist of four members of the
32 7 general assembly serving as ex officio, nonvoting members, one
32 8 representative to be appointed by the speaker of the house of
32 9 representatives, one representative to be appointed by the
32 10 minority leader of the house of representatives, one senator
32 11 to be appointed by the majority leader of the senate after
32 12 consultation with the president of the senate, and one senator
32 13 to be appointed by the minority leader of the senate.
32 14 4. The council shall do the following:
32 15 a. Assist the ~~office~~ department in implementing and
32 16 maintaining the statewide real-time central repository
32 17 monitoring system.
32 18 b. Assist the ~~office~~ department in developing utilization
32 19 guidance related to the statewide real-time central repository
32 20 monitoring system and disseminating such guidance.
32 21 c. Assist the ~~office~~ department in developing guidelines
32 22 to ensure patient confidentiality and the integrity of the
32 23 relationship established by the patient and the patient's
32 24 health care provider.
32 25 Sec. 54. Section 135.130, subsection 2, Code 2011, is
32 26 amended to read as follows:
32 27 2. A substance abuse treatment facility advisory council
32 28 is established within the department to advise and make
32 29 recommendations to the director regarding the establishment
32 30 and operation of a facility for persons with a substance
32 31 abuse problem who are on probation and to assist with the
32 32 implementation of treatment programs that are proven to
32 33 be effective for offenders. The substance abuse treatment
32 34 facility advisory council shall consist of the directors of the
32 35 eight judicial district departments of correctional services



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33 1 and one representative each from the judicial branch, the Iowa
33 2 department of public health, the department of corrections,
33 3 and the ~~governor's office of drug control policy~~ department of
33 4 public safety.

33 5 Sec. 55. Section 216A.132, subsection 1, Code 2011, is
33 6 amended to read as follows:

33 7 1. A criminal and juvenile justice planning advisory
33 8 council is established consisting of twenty=three members who
33 9 shall all reside in the state.

33 10 a. The governor shall appoint ~~seven~~ eight members each for
33 11 a four=year term beginning and ending as provided in section
33 12 69.19 and subject to confirmation by the senate as follows:

33 13 (1) Three persons, each of whom is a county supervisor,
33 14 county sheriff, mayor, nonsupervisory police officer, or a
33 15 chief of police of a department with less than eleven police
33 16 officers.

33 17 (2) Two persons who are knowledgeable about Iowa's juvenile
33 18 justice system.

33 19 (3) ~~One person~~ Two persons who ~~represents~~ represent the
33 20 general public and ~~is~~ are not employed in any law enforcement,
33 21 judicial, or corrections capacity.

33 22 (4) One person who is either a crime victim, or who
33 23 represents a crime victim organization.

33 24 b. The departments of human services, corrections, and
33 25 public safety, the office on the status of African Americans,
33 26 the department of public health, the chairperson of the board
33 27 of parole, the attorney general, and the state public defender,
~~33 28 and the governor's office of drug control policy~~ shall each
33 29 designate a person to serve on the council.

33 30 c. The chief justice of the supreme court shall designate
33 31 one member who is a district judge and one member who is
33 32 either a district associate judge or associate juvenile judge.
33 33 The chairperson and ranking member of the senate committee
33 34 on judiciary shall be members. In alternating four=year
33 35 intervals, the chairperson and ranking member of the house



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34 1 committee on judiciary or of the house committee on public
34 2 safety shall be members, with the chairperson and ranking
34 3 member of the house committee on public safety serving during
34 4 the initial interval. Nonlegislative members appointed
34 5 pursuant to this paragraph shall serve for four-year terms
34 6 beginning and ending as provided in section 69.19 unless the
34 7 member ceases to serve as a district court judge.
34 8 d. The Iowa county attorneys association shall designate a
34 9 person to serve on the council.
34 10 Sec. 56. Section 216A.140, subsection 5, Code 2011, is
34 11 amended to read as follows:
34 12 5. Membership. The youth development council membership
34 13 shall be determined by the council itself and shall include the
34 14 directors or chief administrators, or their designees, from the
34 15 following state agencies and programs:
34 16 a. Child advocacy board.
34 17 b. Iowa commission on volunteer service in the office of
34 18 the governor.
34 19 c. Department of education.
34 20 d. Department of human rights.
34 21 e. Department of human services.
34 22 f. Department of public health.
34 23 g. Department of public safety.
34 24 ~~g. h. Department of workforce development.~~
34 25 ~~h. Governor's office of drug control policy.~~
34 26 i. Iowa cooperative extension service in agriculture and
34 27 home economics.
34 28 j. Early childhood Iowa office in the department of
34 29 management.
34 30 Sec. 57. Section 217.20, Code 2011, is amended by striking
34 31 the section.
34 32 Sec. 58. Section 249A.7, subsection 3, as amended by 2011
34 33 Iowa Acts, House File 389, section 1, is amended by striking
34 34 the subsection and inserting in lieu thereof the following:
34 35 3. a. A Medicaid fraud fund is created in the state



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35 1 treasury under the authority of the department of inspections
35 2 and appeals. Moneys from penalties, investigative costs
35 3 recouped by the Medicaid fraud control unit, and other amounts
35 4 received as a result of prosecutions involving the department
35 5 of inspections and appeals investigations and audits to ensure
35 6 compliance with the medical assistance program that are not
35 7 credited to the program shall be credited to the fund.
35 8 b. Notwithstanding section 8.33, moneys credited to the
35 9 fund from any other account or fund shall not revert to the
35 10 other account or fund. Moneys in the fund shall only be used as
35 11 provided in appropriations from the fund and shall be used in
35 12 accordance with applicable laws, regulations, and the policies
35 13 of the office of inspector general of the United States
35 14 department of health and human services.
35 15 c. For the purposes of this subsection, "investigative
35 16 costs" means the reasonable value of a Medicaid fraud control
35 17 unit investigator's, auditor's or employee's time, any moneys
35 18 expended by the Medicaid fraud control unit, and the reasonable
35 19 fair market value of resources used or expended by the Medicaid
35 20 fraud control unit in a case resulting in a criminal conviction
35 21 of a provider under this chapter or chapter 714 or 715A.
35 22 Sec. 59. Section 546.12, Code 2011, is amended to read as
35 23 follows:
35 24 546.12 Department of commerce revolving fund.
35 25 1. A department of commerce revolving fund is created in
35 26 the state treasury. The fund shall consist of moneys collected
35 27 by the banking division; credit union division; utilities
35 28 division, including moneys collected on behalf of the office
35 29 of consumer advocate established in section 475A.3; and the
35 30 insurance division of the department; and deposited into an
35 31 account for that division or office within the fund on a
35 32 monthly basis. Except as otherwise provided by statute, all
35 33 costs for operating the office of consumer advocate and the
35 34 banking division, the credit union division, the utilities
35 35 division, and the insurance division of the department shall be



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36 1 paid from the division's accounts within the fund, subject to
36 2 appropriation by the general assembly. The insurance division
36 3 shall administer the fund and all other divisions shall work
36 4 with the insurance division to make sure the fund is properly
36 5 accounted and reported to the department of management and the
36 6 department of administrative services. The divisions shall
36 7 provide quarterly reports to the department of management
36 8 and the legislative services agency on revenues billed and
36 9 collected and expenditures from the fund in a format as
36 10 determined by the department of management in consultation with
36 11 the legislative services agency.

36 12 2. To meet cash flow needs for the office of consumer
36 13 advocate and the banking division, credit union division,
36 14 utilities division, or the insurance division of the
36 15 department, the administrative head of that division or
36 16 office may temporarily use funds from the general fund of the
36 17 state to pay expenses in excess of moneys available in the
36 18 revolving fund for that division or office if those additional
36 19 expenditures are fully reimbursable and the division or office
36 20 reimburses the general fund of the state and ensures all
36 21 moneys are repaid in full by the close of the fiscal year.
36 22 Notwithstanding any provision to the contrary, the divisions
36 23 shall, to the fullest extent possible, make an estimate
36 24 of billings and make such billings as early as possible in
36 25 each fiscal year, so that the need for the use of general
36 26 fund moneys is minimized to the lowest extent possible.
36 27 Periodic billings shall be deemed sufficient to satisfy this
36 28 requirement. Because any general fund moneys used shall be
36 29 fully reimbursed, such temporary use of funds from the general
36 30 fund of the state shall not constitute an appropriation for
36 31 purposes of calculating the state general fund expenditure
36 32 limitation pursuant to section 8.54.

36 33 3. Section 8.33 does not apply to any moneys credited or
36 34 appropriated to the revolving fund from any other fund.

36 35 4. The establishment of the revolving fund pursuant



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37 1 to this section shall not be interpreted in any manner to
37 2 compromise or impact the accountability of, or limit authority
37 3 with respect to, an agency or entity under state law. Any
37 4 provision applicable to, or responsibility of, a division or
37 5 office collecting moneys for deposit into the fund established
37 6 pursuant to this section shall not be altered or impacted by
37 7 the existence of the fund and shall remain applicable to the
37 8 same extent as if the division or office were receiving moneys
37 9 pursuant to a general fund appropriation. Appropriations from
37 10 the revolving fund shall not be subject to the provisions of
37 11 section 8.31, subsection 5. The divisions of the department
37 12 of commerce shall comply with directions by the governor
37 13 to executive branch departments regarding restrictions on
37 14 out-of-state travel, hiring justifications, association
37 15 memberships, equipment purchases, consulting contracts, and
37 16 any other expenditure efficiencies that the governor deems
37 17 appropriate.

37 18 Sec. 60. Section 602.8108, subsection 4, Code 2011, is
37 19 amended to read as follows:

37 20 4. The clerk of the district court shall remit all moneys
37 21 collected from the drug abuse resistance education surcharge
37 22 provided in section 911.2 to the state court administrator
37 23 for deposit in the general fund of the state and the amount
37 24 deposited is appropriated to the ~~governor's office of drug~~
~~37 25 control policy~~ department of public safety for use by the drug
37 26 abuse resistance education program and other programs directed
37 27 for a similar purpose.

37 28 Sec. 61. Section 715C.2, subsection 1, Code 2011, is amended
37 29 to read as follows:

37 30 1. Any person who owns or licenses computerized data that
37 31 includes a consumer's personal information that is used in
37 32 the course of the person's business, vocation, occupation,
37 33 or volunteer activities and that was subject to a breach
37 34 of security shall give notice of the breach of security
37 35 following discovery of such breach of security, or receipt



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38 1 of notification under subsection 2, to any consumer whose
38 2 personal information was included in the information that was
38 3 breached. The consumer notification shall be made in the most
38 4 expeditious manner possible and without unreasonable delay,
38 5 consistent with the legitimate needs of law enforcement as
38 6 provided in subsection 3, and consistent with any measures
38 7 necessary to sufficiently determine contact information for
38 8 the affected consumers, determine the scope of the breach, and
38 9 restore the reasonable integrity, security, and confidentiality
38 10 of the data. A person required to provide notice of a breach
38 11 of security under this section shall also notify the attorney
38 12 general as to the timing, content, and distribution of the
38 13 notice to consumers and an approximate number of affected
38 14 consumers.

38 15 Sec. 62. Section 904.114, Code 2011, is amended to read as
38 16 follows:

38 17 904.114 Travel expenses.

38 18 The director, staff members, assistants, and employees, in
38 19 addition to salary, shall receive their necessary traveling
38 20 expenses by the nearest practicable route, when engaged in
38 21 the performance of official business. Permission shall not
38 22 be granted to any person to travel to another state except by
38 23 approval of the board ~~and the executive council.~~

38 24 Sec. 63. 2009 Iowa Acts, chapter 169, section 4, subsection
38 25 2, is amended to read as follows:

38 26 2. From the moneys appropriated in this section, there
38 27 is transferred to the department of human rights two
38 28 hundred fifty thousand dollars for deposit in the individual
38 29 development account state match fund created in section 541A.7.
38 30 Notwithstanding other provisions to the contrary in section
38 31 541A.3, subsection 1, moneys appropriated to the individual
38 32 development account state match fund under this subsection
38 33 ~~shall~~ may be used to provide the state match to account holders
38 34 affected by a natural disaster occurring in 2008 for which the
38 35 president of the United States declared a disaster area, and



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39 1 who have a household income that is equal to or less than three
39 2 hundred percent of the federal poverty level as defined by the
39 3 most recently revised poverty income guidelines published by
39 4 the United States department of health and human services.

39 5 Sec. 64. 2010 Iowa Acts, chapter 1193, section 29, is
39 6 amended to read as follows:

39 7 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
39 8 INFORMATION TECHNOLOGY.

39 9 1. There is appropriated from the general fund of the state
39 10 to the department of administrative services for the fiscal
39 11 year beginning July 1, 2010, and ending June 30, 2011, the
39 12 following amount, or so much thereof as is necessary, to be
39 13 used for the purposes designated:

39 14 For implementing 2010 Iowa Acts, Senate File 2088, division
39 15 I, including salaries, support, maintenance, and miscellaneous
39 16 purposes:

39 17 \$ 2,300,000

39 18 2. Notwithstanding section 8.33, moneys appropriated in
39 19 this section that remain unencumbered or unobligated at the
39 20 close of the fiscal year ending June 30, 2011, shall not revert
39 21 but shall remain available for expenditure for the purposes
39 22 designated until the close of the fiscal year ending June 30,
39 23 2012.

39 24 Sec. 65. 2011 Iowa Acts, House File 45, section 8, is
39 25 amended to read as follows:

39 26 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The
39 27 Iowa telecommunications and technology commission shall
39 28 implement a request for proposals process to sell or lease
39 29 the Iowa communications network. The request for proposals
39 30 shall provide for the sale to be concluded or the lease
39 31 to commence during the fiscal year beginning July 1, 2011
~~39 32 2012.~~ The commission shall condition the sale or lease of
39 33 the Iowa communications network with terms that will allow
39 34 existing authorized users of the network to continue such
39 35 use at a lower overall long-term cost when compared to the



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40 1 anticipated operation and maintenance costs if state ownership
40 2 and control were to continue. Public funds shall not be used
40 3 to secure the purchase of the network. The commission shall
40 4 submit periodic status reports to the general assembly at
40 5 three-month intervals, beginning on October 1, 2011, regarding
40 6 progress made toward selling or leasing the network. The prior
40 7 authorization and approval requirements specified in section
40 8 8D.12 shall be complied with prior to a sale or lease of the
40 9 network pursuant to this section.
40 10 Sec. 66. REPEAL. 2009 Iowa Acts, chapter 179, section 146,
40 11 is repealed.
40 12 Sec. 67. CODE EDITOR DIRECTIVE. The Code editor is directed
40 13 to change the words "state-owned" to "state-assigned", to the
40 14 extent not otherwise changed pursuant to this Act, in Code
40 15 sections 8A.362, 8A.363, 8A.364, and 8A.366.
40 16 Sec. 68. MEDICAID FRAUD FUND TRANSITION.
40 17 1. Unencumbered and unobligated moneys in and moneys
40 18 reverting to the Medicaid fraud account created in section
40 19 249A.7, Code 2011, on or after June 30, 2011, shall be credited
40 20 to the Medicaid fraud fund created in section 249A.7, by this
40 21 division of this Act.
40 22 2. The appropriations made from the Medicaid fraud account
40 23 for the fiscal years beginning July 1, 2011, and July 1, 2012,
40 24 shall instead be charged to the Medicaid fraud fund created in
40 25 section 249A.7, by this division of this Act.
40 26 3. This section of this Act, being deemed of immediate
40 27 importance, takes effect upon enactment, and, if this Act is
40 28 approved by the governor on or after July 1, 2011, subsection 1
40 29 of this section applies retroactively to June 30, 2011.
40 30 Sec. 69. EFFECTIVE UPON ENACTMENT.
40 31 1. The section of this division of this Act directing the
40 32 department of administrative services to disconnect electricity
40 33 to the heated sidewalk installed at the state capitol building,
40 34 being deemed of immediate importance, takes effect upon
40 35 enactment.



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41 1 2. The section of this division of this Act providing
41 2 implementation provisions regarding leasing authority of
41 3 the department of administrative services, being deemed of
41 4 immediate importance, takes effect upon enactment.

41 5 3. The sections of this division of this Act relating to
41 6 executive branch employee travel and travel reimbursement
41 7 implementation, being deemed of immediate importance, take
41 8 effect upon enactment.

41 9 4. The section of this division of this Act relating to
41 10 nonreversion of moneys appropriated to the department of
41 11 administrative services for implementation of 2010 Iowa Acts,
41 12 chapter 1031, division I, being deemed of immediate importance,
41 13 takes effect upon enactment.

41 14 DIVISION II
41 15 FY 2012=2013

41 16 Sec. 70. DEPARTMENT OF ADMINISTRATIVE SERVICES.

41 17 1. There is appropriated from the general fund of the state
41 18 to the department of administrative services for the fiscal
41 19 year beginning July 1, 2012, and ending June 30, 2013, the
41 20 following amounts, or so much thereof as is necessary, to be
41 21 used for the purposes designated, and for not more than the
41 22 following full-time equivalent positions:

41 23 a. For salaries, support, maintenance, and miscellaneous
41 24 purposes:

41 25 \$ 2,010,172
41 26 FTEs 84.18

41 27 b. For the payment of utility costs:

41 28 \$ 1,352,230
41 29 FTEs 1.00

41 30 Notwithstanding section 8.33, any excess funds appropriated
41 31 for utility costs in this lettered paragraph shall not revert
41 32 to the general fund of the state at the end of the fiscal year
41 33 but shall remain available for expenditure for the purposes of
41 34 this lettered paragraph during the succeeding fiscal year.

41 35 c. For Terrace Hill operations:



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42	1	\$	202,957
42	2	FTEs	6.88
42	3	d. For the I3 distribution account:		
42	4	\$	1,638,973
42	5	e. For operations and maintenance of the Iowa building:		
42	6	.....	\$	497,768
42	7	.....	FTEs	7.00
42	8	2. Members of the general assembly serving as members of		
42	9	the deferred compensation advisory board shall be entitled		
42	10	to receive per diem and necessary travel and actual expenses		
42	11	pursuant to section 2.10, subsection 5, while carrying out		
42	12	their official duties as members of the board.		
42	13	3. Any funds and premiums collected by the department for		
42	14	workers' compensation shall be segregated into a separate		
42	15	workers' compensation fund in the state treasury to be used		
42	16	for payment of state employees' workers' compensation claims		
42	17	and administrative costs. Notwithstanding section 8.33,		
42	18	unencumbered or unobligated moneys remaining in this workers'		
42	19	compensation fund at the end of the fiscal year shall not		
42	20	revert but shall be available for expenditure for purposes of		
42	21	the fund for subsequent fiscal years.		
42	22	Sec. 71. REVOLVING FUNDS. There is appropriated to the		
42	23	department of administrative services for the fiscal year		
42	24	beginning July 1, 2012, and ending June 30, 2013, from the		
42	25	revolving funds designated in chapter 8A and from internal		
42	26	service funds created by the department such amounts as the		
42	27	department deems necessary for the operation of the department		
42	28	consistent with the requirements of chapter 8A.		
42	29	Sec. 72. FUNDING FOR IOWACCESS.		
42	30	1. Notwithstanding section 321A.3, subsection 1, for the		
42	31	fiscal year beginning July 1, 2012, and ending June 30, 2013,		
42	32	the first \$750,000 collected and transferred by the department		
42	33	of transportation to the treasurer of state with respect to the		
42	34	fees for transactions involving the furnishing of a certified		
42	35	abstract of a vehicle operating record under section 321A.3,		



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43 1 subsection 1, shall be transferred to the IowAccess revolving
43 2 fund for the purposes of developing, implementing, maintaining,
43 3 and expanding electronic access to government records as
43 4 provided by law.

43 5 2. All fees collected with respect to transactions
43 6 involving IowAccess shall be deposited in the IowAccess
43 7 revolving fund and shall be used only for the support of
43 8 IowAccess projects.

43 9 Sec. 73. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
43 10 CHARGE. For the fiscal year beginning July 1, 2012, and ending
43 11 June 30, 2013, the monthly per contract administrative charge
43 12 which may be assessed by the department of administrative
43 13 services shall be \$2 per contract on all health insurance plans
43 14 administered by the department.

43 15 Sec. 74. AUDITOR OF STATE.

43 16 1. There is appropriated from the general fund of the
43 17 state to the office of the auditor of state for the fiscal
43 18 year beginning July 1, 2012, and ending June 30, 2013, subject
43 19 to subsection 3 of this section, the following amount, or so
43 20 much thereof as is necessary, to be used for the purposes
43 21 designated, and for not more than the following full-time
43 22 equivalent positions:

43 23 For salaries, support, maintenance, and miscellaneous
43 24 purposes:

43 25	\$	407,461
43 26	FTEs	103.00

43 27 2. The auditor of state may retain additional full-time
43 28 equivalent positions as is reasonable and necessary to
43 29 perform governmental subdivision audits which are reimbursable
43 30 pursuant to section 11.20 or 11.21, to perform audits which are
43 31 requested by and reimbursable from the federal government, and
43 32 to perform work requested by and reimbursable from departments
43 33 or agencies pursuant to section 11.5A or 11.5B. The auditor
43 34 of state shall notify the department of management, the
43 35 legislative fiscal committee, and the legislative services



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44 1 agency of the additional full=time equivalent positions
44 2 retained.
44 3 Sec. 75. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
44 4 is appropriated from the general fund of the state to the
44 5 Iowa ethics and campaign disclosure board for the fiscal year
44 6 beginning July 1, 2012, and ending June 30, 2013, the following
44 7 amount, or so much thereof as is necessary, for the purposes
44 8 designated:
44 9 For salaries, support, maintenance, and miscellaneous
44 10 purposes, and for not more than the following full=time
44 11 equivalent positions:
44 12 \$ 250,000
44 13 FTEs 5.00
44 14 Sec. 76. DEPARTMENT OF COMMERCE.
44 15 1. There is appropriated from the general fund of the
44 16 state to the department of commerce for the fiscal year
44 17 beginning July 1, 2012, and ending June 30, 2013, the following
44 18 amounts, or so much thereof as is necessary, for the purposes
44 19 designated:
44 20 a. ALCOHOLIC BEVERAGES DIVISION
44 21 (1) For salaries, support, maintenance, and miscellaneous
44 22 purposes, and for not more than the following full=time
44 23 equivalent positions:
44 24 \$ 610,196
44 25 FTEs 23.00
44 26 (2) Two of the full=time equivalent positions authorized
44 27 pursuant to subparagraph (1) shall be allocated for purposes
44 28 associated with the implementation of 2011 Iowa Acts, House
44 29 File 617.
44 30 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
44 31 For salaries, support, maintenance, and miscellaneous
44 32 purposes, and for not more than the following full=time
44 33 equivalent positions:
44 34 \$ 300,177
44 35 FTEs 12.00



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45 1 2. There is appropriated from the department of commerce
45 2 revolving fund created in section 546.12 to the department of
45 3 commerce for the fiscal year beginning July 1, 2012, and ending
45 4 June 30, 2013, the following amounts, or so much thereof as is
45 5 necessary, for the purposes designated:

45 6 a. BANKING DIVISION

45 7 For salaries, support, maintenance, and miscellaneous
45 8 purposes, and for not more than the following full-time
45 9 equivalent positions:

45 10	\$	4,425,835
45 11	FTEs	80.00

45 12 b. CREDIT UNION DIVISION

45 13 For salaries, support, maintenance, and miscellaneous
45 14 purposes, and for not more than the following full-time
45 15 equivalent positions:

45 16	\$	863,998
45 17	FTEs	19.00

45 18 c. INSURANCE DIVISION

45 19 (1) For salaries, support, maintenance, and miscellaneous
45 20 purposes, and for not more than the following full-time
45 21 equivalent positions:

45 22	\$	2,491,622
45 23	FTEs	106.50

45 24 (2) The insurance division may reallocate authorized
45 25 full-time equivalent positions as necessary to respond to
45 26 accreditation recommendations or requirements. The insurance
45 27 division expenditures for examination purposes may exceed the
45 28 projected receipts, refunds, and reimbursements, estimated
45 29 pursuant to section 505.7, subsection 7, including the
45 30 expenditures for retention of additional personnel, if the
45 31 expenditures are fully reimbursable and the division first does
45 32 both of the following:

45 33 (a) Notifies the department of management, the legislative
45 34 services agency, and the legislative fiscal committee of the
45 35 need for the expenditures.



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46 1 (b) Files with each of the entities named in subparagraph
46 2 division (a) the legislative and regulatory justification for
46 3 the expenditures, along with an estimate of the expenditures.
46 4 d. UTILITIES DIVISION
46 5 (1) For salaries, support, maintenance, and miscellaneous
46 6 purposes, and for not more than the following full-time
46 7 equivalent positions:
46 8 \$ 4,086,535
46 9 FTEs 79.00
46 10 (2) The utilities division may expend additional funds,
46 11 including funds for additional personnel, if those additional
46 12 expenditures are actual expenses which exceed the funds
46 13 budgeted for utility regulation and the expenditures are fully
46 14 reimbursable. Before the division expends or encumbers an
46 15 amount in excess of the funds budgeted for regulation, the
46 16 division shall first do both of the following:
46 17 (a) Notify the department of management, the legislative
46 18 services agency, and the legislative fiscal committee of the
46 19 need for the expenditures.
46 20 (b) File with each of the entities named in subparagraph
46 21 division (a) the legislative and regulatory justification for
46 22 the expenditures, along with an estimate of the expenditures.
46 23 (3) Notwithstanding sections 8.33 and 476.10 or any other
46 24 provisions to the contrary, any unencumbered or unobligated
46 25 balance of the appropriation made in this paragraph for the
46 26 utilities division or any other operational appropriation made
46 27 for the fiscal year beginning July 1, 2012, and ending June
46 28 30, 2013, that remains unused, unencumbered, or unobligated at
46 29 the close of the fiscal year shall not revert but shall remain
46 30 available to be used for purposes of the energy-efficient
46 31 building project authorized under section 476.10B, or for
46 32 relocation costs in succeeding fiscal years.
46 33 3. CHARGES. Each division and the office of consumer
46 34 advocate shall include in its charges assessed or revenues
46 35 generated an amount sufficient to cover the amount stated



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47 1 in its appropriation and any state=assessed indirect costs
47 2 determined by the department of administrative services.
47 3 Sec. 77. DEPARTMENT OF COMMERCE ==== PROFESSIONAL LICENSING
47 4 AND REGULATION BUREAU. There is appropriated from the housing
47 5 trust fund of the Iowa finance authority created in section
47 6 16.181, to the bureau of professional licensing and regulation
47 7 of the banking division of the department of commerce for the
47 8 fiscal year beginning July 1, 2012, and ending June 30, 2013,
47 9 the following amount, or so much thereof as is necessary, to be
47 10 used for the purposes designated:
47 11 For salaries, support, maintenance, and miscellaneous
47 12 purposes:
47 13 \$ 31,159
47 14 Sec. 78. GOVERNOR AND LIEUTENANT GOVERNOR. There is
47 15 appropriated from the general fund of the state to the offices
47 16 of the governor and the lieutenant governor for the fiscal year
47 17 beginning July 1, 2012, and ending June 30, 2013, the following
47 18 amounts, or so much thereof as is necessary, to be used for the
47 19 purposes designated:
47 20 For salaries, support, maintenance, and miscellaneous
47 21 purposes:
47 22 \$ 1,149,534
47 23 FTEs 22.88
47 24 Sec. 79. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
47 25 from the general fund of the state to the department of human
47 26 rights for the fiscal year beginning July 1, 2012, and ending
47 27 June 30, 2013, the following amounts, or so much thereof as is
47 28 necessary, to be used for the purposes designated:
47 29 1. CENTRAL ADMINISTRATION DIVISION
47 30 For salaries, support, maintenance, and miscellaneous
47 31 purposes, and for not more than the following full=time
47 32 equivalent positions:
47 33 \$ 103,052
47 34 FTEs 7.00
47 35 2. COMMUNITY ADVOCACY AND SERVICES DIVISION



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48 1 For salaries, support, maintenance, and miscellaneous
48 2 purposes, and for not more than the following full=time
48 3 equivalent positions:
48 4 \$ 528,396
48 5 FTEs 17.00
48 6 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
48 7 For salaries, support, maintenance, and miscellaneous
48 8 purposes, and for not more than the following full=time
48 9 equivalent positions:
48 10 \$ 536,946
48 11 FTEs 10.00
48 12 The criminal and juvenile justice planning advisory council
48 13 and the juvenile justice advisory council shall coordinate
48 14 their efforts in carrying out their respective duties relative
48 15 to juvenile justice.
48 16 Sec. 80. DEPARTMENT OF INSPECTIONS AND APPEALS. There
48 17 is appropriated from the general fund of the state to the
48 18 department of inspections and appeals for the fiscal year
48 19 beginning July 1, 2012, and ending June 30, 2013, the following
48 20 amounts, or so much thereof as is necessary, for the purposes
48 21 designated:
48 22 1. ADMINISTRATION DIVISION
48 23 For salaries, support, maintenance, and miscellaneous
48 24 purposes, and for not more than the following full=time
48 25 equivalent positions:
48 26 \$ 763,870
48 27 FTEs 37.40
48 28 2. ADMINISTRATIVE HEARINGS DIVISION
48 29 For salaries, support, maintenance, and miscellaneous
48 30 purposes, and for not more than the following full=time
48 31 equivalent positions:
48 32 \$ 276,987
48 33 FTEs 23.00
48 34 3. INVESTIGATIONS DIVISION
48 35 a. For salaries, support, maintenance, and miscellaneous



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49 1 purposes, and for not more than the following full=time
49 2 equivalent positions:
49 3 \$ 584,320
49 4 FTEs 58.50
49 5 b. The department, in coordination with the investigations
49 6 division, shall provide a report to the general assembly by
49 7 January 10, 2013, concerning the fiscal impact of additional
49 8 full=time equivalent positions on the department's efforts
49 9 relative to the Medicaid divestiture program under chapter
49 10 249F.
49 11 4. HEALTH FACILITIES DIVISION
49 12 a. For salaries, support, maintenance, and miscellaneous
49 13 purposes, and for not more than the following full=time
49 14 equivalent positions:
49 15 \$ 1,781,370
49 16 FTEs 134.75
49 17 b. The department shall, in coordination with the health
49 18 facilities division, make the following information available
49 19 to the public in a timely manner, to include providing the
49 20 information on the department's internet website, during the
49 21 fiscal year beginning July 1, 2012, and ending June 30, 2013:
49 22 (1) The number of inspections conducted by the division
49 23 annually by type of service provider and type of inspection.
49 24 (2) The total annual operations budget for the division,
49 25 including general fund appropriations and federal contract
49 26 dollars received by type of service provider inspected.
49 27 (3) The total number of full=time equivalent positions in
49 28 the division, to include the number of full=time equivalent
49 29 positions serving in a supervisory capacity, and serving as
49 30 surveyors, inspectors, or monitors in the field by type of
49 31 service provider inspected.
49 32 (4) Identification of state and federal survey trends,
49 33 cited regulations, the scope and severity of deficiencies
49 34 identified, and federal and state fines assessed and collected
49 35 concerning nursing and assisted living facilities and programs.



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50 1 c. It is the intent of the general assembly that the
50 2 department and division continuously solicit input from
50 3 facilities regulated by the division to assess and improve
50 4 the division's level of collaboration and to identify new
50 5 opportunities for cooperation.

50 6 5. EMPLOYMENT APPEAL BOARD

50 7 a. For salaries, support, maintenance, and miscellaneous
50 8 purposes, and for not more than the following full-time
50 9 equivalent positions:

50 10	\$	21,108
50 11	FTEs	14.00

50 12 b. The employment appeal board shall be reimbursed by
50 13 the labor services division of the department of workforce
50 14 development for all costs associated with hearings conducted
50 15 under chapter 91C, related to contractor registration. The
50 16 board may expend, in addition to the amount appropriated under
50 17 this subsection, additional amounts as are directly billable
50 18 to the labor services division under this subsection and to
50 19 retain the additional full-time equivalent positions as needed
50 20 to conduct hearings required pursuant to chapter 91C.

50 21 6. CHILD ADVOCACY BOARD

50 22 a. For foster care review and the court appointed special
50 23 advocate program, including salaries, support, maintenance, and
50 24 miscellaneous purposes, and for not more than the following
50 25 full-time equivalent positions:

50 26	\$	1,397,237
50 27	FTEs	40.80

50 28 b. The department of human services, in coordination with
50 29 the child advocacy board and the department of inspections and
50 30 appeals, shall submit an application for funding available
50 31 pursuant to Tit. IV-E of the federal Social Security Act for
50 32 claims for child advocacy board administrative review costs.

50 33 c. The court appointed special advocate program shall
50 34 investigate and develop opportunities for expanding
50 35 fund-raising for the program.



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51 1 d. Administrative costs charged by the department of
51 2 inspections and appeals for items funded under this subsection
51 3 shall not exceed 4 percent of the amount appropriated in this
51 4 subsection.

51 5 Sec. 81. DEPARTMENT OF INSPECTIONS AND APPEALS ==== MUNICIPAL
51 6 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
51 7 July 1, 2012, and ending June 30, 2013, the department of
51 8 inspections and appeals shall retain any license fees generated
51 9 during the fiscal year as a result of actions under section
51 10 137F.3A occurring during the period beginning July 1, 2009,
51 11 and ending June 30, 2011, for the purpose of enforcing the
51 12 provisions of chapters 137C, 137D, and 137F.

51 13 Sec. 82. DEPARTMENT OF INSPECTIONS AND APPEALS ====
51 14 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
51 15 provision of section 135C.16 to the contrary, inspections of
51 16 health care facilities that are only state=licensed and not
51 17 certified under the Medicare or Medicaid programs shall not be
51 18 inspected by the department of inspections and appeals every
51 19 thirty months, but only as provided pursuant to sections 135C.9
51 20 and 135C.38.

51 21 Sec. 83. DEPARTMENT OF INSPECTIONS AND APPEALS ==== GENERAL
51 22 SUPPORT ==== MEDICAID FRAUD FUND APPROPRIATION. There is
51 23 appropriated from the Medicaid fraud fund created in section
51 24 249A.7 to the department of inspections and appeals for the
51 25 fiscal year beginning July 1, 2012, and ending June 30, 2013,
51 26 the following amount, or so much thereof as is necessary, to be
51 27 used for the purposes designated:

51 28 For additional health facility surveyors, compliance
51 29 officers, and residential care facility surveyors:
51 30 \$ 325,000

51 31 Sec. 84. DEPARTMENT OF INSPECTIONS AND APPEALS ==== STATE
51 32 MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND APPROPRIATION. There
51 33 is appropriated from the Medicaid fraud fund created in section
51 34 249A.7 to the department of inspections and appeals for the
51 35 fiscal year beginning July 1, 2012, and ending June 30, 2013,



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52 1 the amounts necessary for the purposes designated:
52 2 1. To cover the cost of any state match to draw down
52 3 matching federal funds through the department of human services
52 4 for additional full-time equivalent positions for conducting
52 5 investigations of alleged fraud and overpayments of food
52 6 assistance benefits through electronic benefits transfer.
52 7 2. For the state financial match requirement for meeting
52 8 the federal mandates connected with the department's Medicaid
52 9 fraud and abuse activities, and the amount necessary to cover
52 10 costs incurred by the department or other agencies in providing
52 11 regulation, responding to allegations, or other activity
52 12 involving chapter 1350.
52 13 Sec. 85. DEPARTMENT OF INSPECTIONS AND APPEALS
52 14 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
52 15 APPROPRIATION. There is appropriated from the Medicaid fraud
52 16 fund created in section 249A.7 to the department of inspections
52 17 and appeals for the fiscal year beginning July 1, 2012, and
52 18 ending June 30, 2013, the following amount, or so much thereof
52 19 as is necessary, to be used for the purposes designated:
52 20 For salaries, support, maintenance, miscellaneous purposes,
52 21 administration, and other costs associated with implementation
52 22 of 2010 Iowa Acts, chapter 1177:
52 23 \$ 125,000
52 24 Sec. 86. RACING AND GAMING COMMISSION.
52 25 1. RACETRACK REGULATION
52 26 There is appropriated from the gaming regulatory revolving
52 27 fund established in section 99F.20 to the racing and gaming
52 28 commission of the department of inspections and appeals for the
52 29 fiscal year beginning July 1, 2012, and ending June 30, 2013,
52 30 the following amount, or so much thereof as is necessary, to be
52 31 used for the purposes designated:
52 32 For salaries, support, maintenance, and miscellaneous
52 33 purposes for the regulation of pari-mutuel racetracks, and for
52 34 not more than the following full-time equivalent positions:
52 35 \$ 1,255,720



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53 1 FTEs 28.53
53 2 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
53 3 There is appropriated from the gaming regulatory revolving
53 4 fund established in section 99F.20 to the racing and gaming
53 5 commission of the department of inspections and appeals for the
53 6 fiscal year beginning July 1, 2012, and ending June 30, 2013,
53 7 the following amount, or so much thereof as is necessary, to be
53 8 used for the purposes designated:
53 9 For salaries, support, maintenance, and miscellaneous
53 10 purposes for administration and enforcement of the excursion
53 11 boat gambling and gambling structure laws, and for not more
53 12 than the following full-time equivalent positions:
53 13 \$ 1,539,050
53 14 FTEs 44.22
53 15 Sec. 87. ROAD USE TAX FUND APPROPRIATION ==== DEPARTMENT OF
53 16 INSPECTIONS AND APPEALS. There is appropriated from the road
53 17 use tax fund created in section 312.1 to the administrative
53 18 hearings division of the department of inspections and appeals
53 19 for the fiscal year beginning July 1, 2012, and ending June 30,
53 20 2013, the following amount, or so much thereof as is necessary,
53 21 for the purposes designated:
53 22 For salaries, support, maintenance, and miscellaneous
53 23 purposes:
53 24 \$ 811,949
53 25 Sec. 88. DEPARTMENT OF MANAGEMENT.
53 26 1. There is appropriated from the general fund of the state
53 27 to the department of management for the fiscal year beginning
53 28 July 1, 2012, and ending June 30, 2013, the following amounts,
53 29 or so much thereof as is necessary, to be used for the purposes
53 30 designated:
53 31 For salaries, support, maintenance, and miscellaneous
53 32 purposes, and for not more than the following full-time
53 33 equivalent positions:
53 34 \$ 1,211,999
53 35 FTEs 25.00



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54 1 2. Of the moneys appropriated in this section, the
54 2 department shall use a portion for enterprise resource
54 3 planning, providing for a salary model administrator,
54 4 conducting performance audits, and for the department's LEAN
54 5 process.

54 6 Sec. 89. ROAD USE TAX APPROPRIATION ==== DEPARTMENT OF
54 7 MANAGEMENT. There is appropriated from the road use tax fund
54 8 created in section 312.1 to the department of management for
54 9 the fiscal year beginning July 1, 2012, and ending June 30,
54 10 2013, the following amount, or so much thereof as is necessary,
54 11 to be used for the purposes designated:

54 12 For salaries, support, maintenance, and miscellaneous
54 13 purposes:

54 14	\$	28,000
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54 15 Sec. 90. DEPARTMENT OF REVENUE.

54 16 1. There is appropriated from the general fund of the state
54 17 to the department of revenue for the fiscal year beginning July
54 18 1, 2012, and ending June 30, 2013, the following amounts, or
54 19 so much thereof as is necessary, to be used for the purposes
54 20 designated:

54 21 For salaries, support, maintenance, and miscellaneous
54 22 purposes, and for not more than the following full-time
54 23 equivalent positions:

54 24	\$	8,852,730
54 25	FTEs	303.48

54 26 2. Of the funds appropriated pursuant to this section,
54 27 \$400,000 shall be used to pay the direct costs of compliance
54 28 related to the collection and distribution of local sales and
54 29 services taxes imposed pursuant to chapters 423B and 423E.

54 30 3. The director of revenue shall prepare and issue a state
54 31 appraisal manual and the revisions to the state appraisal
54 32 manual as provided in section 421.17, subsection 17, without
54 33 cost to a city or county.

54 34 Sec. 91. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
54 35 appropriated from the motor fuel tax fund created by section



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55 1 452A.77 to the department of revenue for the fiscal year
55 2 beginning July 1, 2012, and ending June 30, 2013, the following
55 3 amount, or so much thereof as is necessary, to be used for the
55 4 purposes designated:
55 5 For salaries, support, maintenance, miscellaneous purposes,
55 6 and for administration and enforcement of the provisions of
55 7 chapter 452A and the motor vehicle use tax program:
55 8 \$ 652,888
55 9 Sec. 92. SECRETARY OF STATE.
55 10 1. There is appropriated from the general fund of the state
55 11 to the office of the secretary of state for the fiscal year
55 12 beginning July 1, 2012, and ending June 30, 2013, the following
55 13 amounts, or so much thereof as is necessary, to be used for the
55 14 purposes designated:
55 15 For salaries, support, maintenance, and miscellaneous
55 16 purposes, and for not more than the following full-time
55 17 equivalent positions:
55 18 \$ 1,430,293
55 19 FTEs 45.00
55 20 2. The state department or state agency which provides
55 21 data processing services to support voter registration file
55 22 maintenance and storage shall provide those services without
55 23 charge.
55 24 Sec. 93. SECRETARY OF STATE FILING FEES REFUND.
55 25 Notwithstanding the obligation to collect fees pursuant to the
55 26 provisions of section 490.122, subsection 1, paragraphs "a" and
55 27 "s", and section 504.113, subsection 1, paragraphs "a", "c",
55 28 "d", "j", "k", "l", and "m", for the fiscal year beginning July
55 29 1, 2012, the secretary of state may refund these fees to the
55 30 filer pursuant to rules established by the secretary of state.
55 31 The decision of the secretary of state not to issue a refund
55 32 under rules established by the secretary of state is final and
55 33 not subject to review pursuant to chapter 17A.
55 34 Sec. 94. TREASURER.
55 35 1. There is appropriated from the general fund of the



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56 1 state to the office of treasurer of state for the fiscal year
56 2 beginning July 1, 2012, and ending June 30, 2013, the following
56 3 amount, or so much thereof as is necessary, to be used for the
56 4 purposes designated:
56 5 For salaries, support, maintenance, and miscellaneous
56 6 purposes, and for not more than the following full-time
56 7 equivalent positions:
56 8 \$ 427,145
56 9 FTEs 28.80
56 10 2. The office of treasurer of state shall supply clerical
56 11 and secretarial support for the executive council.
56 12 Sec. 95. ROAD USE TAX APPROPRIATION ==== OFFICE OF TREASURER
56 13 OF STATE. There is appropriated from the road use tax fund
56 14 created in section 312.1 to the office of treasurer of state
56 15 for the fiscal year beginning July 1, 2012, and ending June 30,
56 16 2013, the following amount, or so much thereof as is necessary,
56 17 to be used for the purposes designated:
56 18 For enterprise resource management costs related to the
56 19 distribution of road use tax funds:
56 20 \$ 46,574
56 21 Sec. 96. IPERS ==== GENERAL OFFICE. There is appropriated
56 22 from the Iowa public employees' retirement system fund to the
56 23 Iowa public employees' retirement system for the fiscal year
56 24 beginning July 1, 2012, and ending June 30, 2013, the following
56 25 amount, or so much thereof as is necessary, to be used for the
56 26 purposes designated:
56 27 For salaries, support, maintenance, and other operational
56 28 purposes to pay the costs of the Iowa public employees'
56 29 retirement system, and for not more than the following
56 30 full-time equivalent positions:
56 31 \$ 8,843,484
56 32 FTEs 90.13
56 33 DIVISION III
56 34 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY
56 35 Sec. 97. EFFECTIVE DATE AND RETROACTIVE



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57 1 APPLICABILITY. Unless otherwise provided, this Act, if
57 2 approved by the governor on or after July 1, 2011, takes effect
57 3 upon enactment and applies retroactively to July 1, 2011.

57 4 EXPLANATION

57 5 ADMINISTRATION AND REGULATION ==== FY 2011=2012. This
57 6 division of the bill relates to and appropriates moneys to
57 7 various state departments, agencies, and funds for the fiscal
57 8 year beginning July 1, 2011, and ending June 30, 2012. The
57 9 division makes appropriations to state departments and agencies
57 10 including the department of administrative services, auditor of
57 11 state, Iowa ethics and campaign disclosure board, department
57 12 of commerce, offices of governor and lieutenant governor, the
57 13 department of human rights, department of inspections and
57 14 appeals, department of management, department of revenue,
57 15 secretary of state, treasurer of state, and Iowa public
57 16 employees' retirement system.

57 17 The division appropriates moneys from the IowAccess
57 18 revolving fund to the office of the secretary of state for
57 19 costs associated with decennial redistricting for the fiscal
57 20 year beginning July 1, 2011, and ending June 30, 2012.

57 21 The division directs the auditor of state to allocate
57 22 resources from amounts appropriated in the bill solely for
57 23 audit work related to the comprehensive annual financial
57 24 report, federally required audits, and investigations
57 25 of embezzlement, theft, or other significant financial
57 26 irregularities until the audit of the comprehensive annual
57 27 financial report is complete.

57 28 The division allocates a portion of moneys appropriated to
57 29 the alcoholic beverages division to establish and implement
57 30 a web-based alcohol compliance employee training program for
57 31 alcoholic beverage sales personnel.

57 32 The division provides for the nonreversion of moneys
57 33 previously appropriated for an energy-efficient building
57 34 project undertaken by the utilities division of the department
57 35 of commerce.



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58 1 The division directs the department of administrative
58 2 services to disconnect electricity to the heated sidewalk
58 3 installed in the entry walkway on the East side of the state
58 4 capitol building, and not to reconnect the electricity without
58 5 the authorization of the general assembly.
58 6 The division eliminates provisions relating to state
58 7 purchases of recycled and soybean-based products, and reporting
58 8 requirements related thereto.
58 9 The division modifies provisions relating to the awarding
58 10 of state construction contracts to provide for disclosure
58 11 to the state agency awarding the contract the names of
58 12 all subcontractors and suppliers, and modifies related
58 13 requirements.
58 14 The division modifies a provision relating to the leasing of
58 15 building and office space by the department of administrative
58 16 services at the seat of government to refer to buildings
58 17 and office space wherever located throughout the state, and
58 18 provides that the director of the department shall develop
58 19 cooperative relationships with the state board of regents
58 20 in order to promote colocation of state agencies. The
58 21 division specifies implementation provisions relating to these
58 22 modifications.
58 23 The division requires the department of administrative
58 24 services to implement a request for proposals by September 30,
58 25 2011, to enter into a contract for the purpose of renting or
58 26 leasing state passenger vehicles, as defined in the division,
58 27 from a private entity with sufficient inventory and personnel
58 28 to accommodate the needs of the state. The division provides
58 29 that by March 1, 2012, the department shall award a contract
58 30 for rental or leasing to the private entity, and assign
58 31 passenger vehicles for rental or lease, to the extent the
58 32 department determines doing so would be economically feasible
58 33 and financially advantageous. If a contract is entered into,
58 34 the division states that all state-assigned passenger vehicles
58 35 located in any county which can support the operation of a



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Senate Study Bill 1216 continued

59 1 rental and leasing entity, which the department determines
59 2 would be suitable for rental or leasing, shall be returned to
59 3 the department for sale or disposal by the private entity.
59 4 The division absolves the private entity from liability to
59 5 a third party due to negligence on the part of the state
59 6 or its employees, and requires the department to evaluate
59 7 the economic advantages of state ownership versus rental or
59 8 leasing and adjust the number of vehicles subject to the
59 9 contract accordingly. The division makes conforming changes
59 10 consistent with these provisions, and eliminates Code section
59 11 8A.362, subsection 5, which requires that a minimum of 10
59 12 percent of new state-owned passenger vehicles and light pickup
59 13 trucks shall be equipped with engines which utilize specified
59 14 alternative methods of propulsion.

59 15 The division directs the department of administrative
59 16 services to develop and maintain an electronic travel
59 17 authorization form to be used for any executive branch
59 18 employee's reimbursable travel, conference, or related
59 19 expenditures associated with the employee's official duties,
59 20 and a searchable database available on the department's
59 21 internet site containing specified travel-related information.
59 22 The division states that a claim for reimbursement for any
59 23 travel, conference, or related expenditures shall only be
59 24 allowed after the electronic travel authorization form is
59 25 approved by the head of the employee's department, and the
59 26 request for reimbursement is submitted by the employee on the
59 27 appropriate form with required approvals. "Executive branch
59 28 employee" is defined as an employee of the executive branch as
59 29 defined in Code section 7D.2, other than a member or employee
59 30 of the state board of regents and institutions under the
59 31 control of the state board of regents. The division specifies
59 32 implementation provisions relating to these modifications.

59 33 The division adds to a definition of "data processing
59 34 software" contained in Code section 22.3A, subsection 1,
59 35 paragraph "e", associated documentation in relation to an



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Senate Study Bill 1216 continued

60 1 operating system, compiler, assembler, utility, library
60 2 resource, maintenance routine, application, or computer
60 3 networking program.

60 4 The division eliminates the governor's office of drug
60 5 control policy, transferring responsibilities in relation
60 6 thereto to the department of public safety, in conjunction with
60 7 the Iowa department of public health, and making conforming
60 8 changes consistent with this elimination.

60 9 The division adds to a provision relating to providing
60 10 notice of a breach of security contained in Code section
60 11 715C.2, subsection 1, that notice shall also be provided to the
60 12 attorney general as to the timing, content, and distribution of
60 13 the notice to consumers and an approximate number of affected
60 14 consumers.

60 15 The division establishes a new gaming regulatory revolving
60 16 fund in the state treasury under the control of the department
60 17 of inspections and appeals, consisting of fees collected and
60 18 deposited into the fund paid by pari-mutuel wagering licensees
60 19 pursuant to Code section 99D.14, subsection 2, paragraph
60 20 "b", and fees paid by gambling boat and racetrack licensees
60 21 pursuant to Code section 99F.10, subsection 4, paragraph "b".

60 22 The division specifies that all costs relating to racetrack,
60 23 excursion boat, and gambling structure regulation shall be
60 24 paid from the fund as provided in appropriations made for
60 25 this purpose by the general assembly. The division makes
60 26 conforming Code modifications consistent with this provision.
60 27 The division additionally provides reporting requirements
60 28 and billing estimate requirements regarding the revolving
60 29 fund, and states that the establishment of the revolving
60 30 fund shall not be interpreted in any manner to compromise or
60 31 impact the accountability of, and limitation of authority with
60 32 respect to, the department under state law. The bill adds
60 33 similar requirements in relation to the department of commerce
60 34 revolving fund established in Code section 546.12.

60 35 The division changes the Medicaid fraud account established



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61 1 in Code section 249A.7 to the Medicaid fraud fund, provides
61 2 conforming and transition provisions, makes specified
61 3 appropriations from the fund, and provides specified immediate
61 4 effective and retroactive applicability provisions.

61 5 The division provides that moneys transferred pursuant to
61 6 2009 Iowa Acts, chapter 169, section 4, subsection 2, may,
61 7 rather than shall, be used to provide the state match to
61 8 individual account holders affected by a natural disaster
61 9 occurring in 2008 and declared a disaster area.

61 10 The division provides for the nonreversion of moneys
61 11 appropriated in 2010 Iowa Acts, Senate File 2088, division I,
61 12 until the close of the fiscal year ending June 30, 2012.

61 13 The division modifies provisions enacted in 2011 Iowa Acts,
61 14 House File 45, section 8, relating to the sale or lease of the
61 15 Iowa communications network, to extend the date by which the
61 16 sale is to be concluded or the lease commenced from during
61 17 the fiscal year beginning July 1, 2011, to July 1, 2012. The
61 18 division further specifies that a sale or lease shall not take
61 19 place without being authorized by the general assembly and
61 20 approved by the governor as specified in Code section 8D.12.

61 21 The division repeals a sunset provision enacted during
61 22 the 2009 legislative session applicable to the department of
61 23 commerce revolving fund established in Code section 546.12.
61 24 The sunset provision currently repeals the Code section
61 25 effective July 1, 2011.

61 26 The division provides that the sections of the division
61 27 relating to disconnecting electricity to the specified
61 28 Capitol building sidewalk, providing implementation provisions
61 29 regarding leasing authority of the department of administrative
61 30 services and executive branch employee travel and travel
61 31 reimbursement, and relating to nonreversion of moneys
61 32 appropriated to the department of administrative services for
61 33 implementation of 2010 Iowa Acts, chapter 1031, division I,
61 34 take effect upon enactment.

61 35 ADMINISTRATION AND REGULATION ==== FY 2012=2013. This



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62 1 division of the bill relates to and appropriates moneys to
62 2 various state departments, agencies, and funds for the fiscal
62 3 year beginning July 1, 2012, and ending June 30, 2013. The
62 4 division makes appropriations to state departments and agencies
62 5 including the department of administrative services, auditor of
62 6 state, Iowa ethics and campaign disclosure board, department
62 7 of commerce, offices of governor and lieutenant governor, the
62 8 department of human rights, department of inspections and
62 9 appeals, department of management, department of revenue,
62 10 secretary of state, treasurer of state, and Iowa public
62 11 employees' retirement system.

62 12 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
62 13 Unless otherwise provided, the bill, if approved by the
62 14 governor on or after July 1, 2011, takes effect upon enactment
62 15 and applies retroactively to July 1, 2011.

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Senate Study Bill 1217

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to the funding of, the operation of, and
2 appropriation of moneys to the college student aid
3 commission, the department for the blind, the department of
4 education, and the state board of regents, and providing
5 for related matters, for penalties and remedies, and for
6 effective date, applicability, and retroactive applicability
7 provisions.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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PAG LIN

1 1 DIVISION I
1 2 FY 2011=2012 APPROPRIATIONS
1 3 DEPARTMENT FOR THE BLIND
1 4 Section 1. ADMINISTRATION. There is appropriated from the
1 5 general fund of the state to the department for the blind for
1 6 the fiscal year beginning July 1, 2011, and ending June 30,
1 7 2012, the following amount, or so much thereof as is necessary,
1 8 to be used for the purposes designated:
1 9 1. For salaries, support, maintenance, miscellaneous
1 10 purposes, and for not more than the following full=time
1 11 equivalent positions:
1 12 \$ 1,691,815
1 13 FTEs 88.00
1 14 2. For costs associated with universal access to audio
1 15 information over the phone on demand for blind and print
1 16 handicapped Iowans:
1 17 \$ 50,000
1 18 COLLEGE STUDENT AID COMMISSION
1 19 Sec. 2. There is appropriated from the general fund of the
1 20 state to the college student aid commission for the fiscal year
1 21 beginning July 1, 2011, and ending June 30, 2012, the following
1 22 amounts, or so much thereof as may be necessary, to be used for
1 23 the purposes designated:
1 24 1. GENERAL ADMINISTRATION
1 25 For salaries, support, maintenance, miscellaneous purposes,
1 26 and for not more than the following full=time equivalent
1 27 positions:
1 28 \$ 232,943
1 29 FTEs 3.95
1 30 2. STUDENT AID PROGRAMS
1 31 For payments to students for the Iowa grant program
1 32 established in section 261.93:
1 33 \$ 791,177
1 34 3. DES MOINES UNIVERSITY ==== HEALTH CARE PROFESSIONAL
1 35 RECRUITMENT PROGRAM



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Senate Study Bill 1217 continued

2 1 For forgivable loans to Iowa students attending Des Moines
2 2 university === osteopathic medical center under the forgivable
2 3 loan program pursuant to section 261.19:
2 4 \$ 325,973
2 5 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
2 6 For purposes of providing national guard educational
2 7 assistance under the program established in section 261.86:
2 8 \$ 3,186,233
2 9 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
2 10 For the teacher shortage loan forgiveness program
2 11 established in section 261.112:
2 12 \$ 392,452
2 13 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
2 14 For purposes of the all Iowa opportunity foster care grant
2 15 program established pursuant to section 261.6:
2 16 \$ 554,057
2 17 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
2 18 a. For purposes of the all Iowa opportunity scholarship
2 19 program established pursuant to section 261.87:
2 20 \$ 2,240,854
2 21 b. If the moneys appropriated by the general assembly to the
2 22 college student aid commission for fiscal year 2011=2012 for
2 23 purposes of the all Iowa opportunity scholarship program exceed
2 24 \$500,000, "eligible institution" as defined in section 261.87,
2 25 shall, during fiscal year 2011=2012, include accredited private
2 26 institutions as defined in section 261.9, subsection 1.
2 27 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS
2 28 PROGRAM
2 29 a. For purposes of the registered nurse and nurse educator
2 30 loan forgiveness program established pursuant to section
2 31 261.23:
2 32 \$ 80,852
2 33 b. It is the intent of the general assembly that the
2 34 commission continue to consider moneys allocated pursuant to
2 35 this subsection as moneys that meet the state matching funds



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3 1 requirements of the federal leveraging educational assistance
3 2 program and the federal supplemental leveraging educational
3 3 assistance program established under the Higher Education Act
3 4 of 1965, as amended.
3 5 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT
3 6 PROGRAM
3 7 For purposes of the barber and cosmetology arts and sciences
3 8 tuition grant program established pursuant to section 261.18:
3 9 \$ 36,938
3 10 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding section
3 11 261.72, the moneys deposited in the chiropractic loan
3 12 revolving fund created pursuant to section 261.72 may be used
3 13 for purposes of the chiropractic loan forgiveness program
3 14 established in section 261.73.
3 15 Sec. 4. WORK=STUDY APPROPRIATION FOR FY 2011=2012.
3 16 Notwithstanding section 261.85, for the fiscal year beginning
3 17 July 1, 2011, and ending June 30, 2012, the amount appropriated
3 18 from the general fund of the state to the college student aid
3 19 commission for the work=study program under section 261.85
3 20 shall be zero.
3 21 Sec. 5. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM FY
3 22 2010=2011. There is appropriated from the general fund of the
3 23 state to the college student aid commission for the fiscal year
3 24 beginning July 1, 2010, and ending June 30, 2011, the following
3 25 amount, or so much thereof as is necessary, to be used for the
3 26 purposes designated:
3 27 For purposes of providing educational assistance for the
3 28 fiscal year beginning July 1, 2011, under the national guard
3 29 educational assistance program established in section 261.86:
3 30 \$ 500,000
3 31 DEPARTMENT OF EDUCATION
3 32 Sec. 6. There is appropriated from the general fund of
3 33 the state to the department of education for the fiscal year
3 34 beginning July 1, 2011, and ending June 30, 2012, the following
3 35 amounts, or so much thereof as may be necessary, to be used for



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4 1 the purposes designated:
4 2 1. GENERAL ADMINISTRATION
4 3 For salaries, support, maintenance, miscellaneous purposes,
4 4 and for not more than the following full-time equivalent
4 5 positions:
4 6 \$ 5,913,812
4 7 FTEs 81.67
4 8 2. VOCATIONAL EDUCATION ADMINISTRATION
4 9 For salaries, support, maintenance, miscellaneous purposes,
4 10 and for not more than the following full-time equivalent
4 11 positions:
4 12 \$ 449,276
4 13 FTEs 11.50
4 14 3. VOCATIONAL REHABILITATION SERVICES DIVISION
4 15 a. For salaries, support, maintenance, miscellaneous
4 16 purposes, and for not more than the following full-time
4 17 equivalent positions:
4 18 \$ 4,963,168
4 19 FTEs 255.00
4 20 b. For matching funds for programs to enable persons
4 21 with severe physical or mental disabilities to function more
4 22 independently, including salaries and support, and for not more
4 23 than the following full-time equivalent position:
4 24 \$ 39,128
4 25 FTEs 1.00
4 26 c. For the entrepreneurs with disabilities program
4 27 established pursuant to section 259.4, subsection 9:
4 28 \$ 145,535
4 29 d. For costs associated with centers for independent
4 30 living:
4 31 \$ 40,294
4 32 4. STATE LIBRARY
4 33 a. For salaries, support, maintenance, miscellaneous
4 34 purposes, and for not more than the following full-time
4 35 equivalent positions:



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5 1 \$ 1,209,619
5 2 FTEs 17.00
5 3 b. For the enrich Iowa program established under section
5 4 256.57:
5 5 \$ 1,674,227
5 6 5. LIBRARY SERVICE AREA SYSTEM
5 7 For state aid:
5 8 \$ 1,005,444
5 9 6. PUBLIC BROADCASTING DIVISION
5 10 For salaries, support, maintenance, capital expenditures,
5 11 miscellaneous purposes, and for not more than the following
5 12 full-time equivalent positions:
5 13 \$ 6,654,021
5 14 FTEs 82.00
5 15 7. REGIONAL TELECOMMUNICATIONS COUNCILS
5 16 For state aid:
5 17 \$ 992,913
5 18 The regional telecommunications councils established
5 19 in section 8D.5 shall use the moneys appropriated in this
5 20 subsection to provide technical assistance for network
5 21 classrooms, planning and troubleshooting for local area
5 22 networks, scheduling of video sites, and other related support
5 23 activities.
5 24 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
5 25 For reimbursement for vocational education expenditures made
5 26 by secondary schools:
5 27 \$ 2,630,134
5 28 Moneys appropriated in this subsection shall be used
5 29 to reimburse school districts for vocational education
5 30 expenditures made by secondary schools to meet the standards
5 31 set in sections 256.11, 258.4, and 260C.14.
5 32 9. SCHOOL FOOD SERVICE
5 33 For use as state matching funds for federal programs that
5 34 shall be disbursed according to federal regulations, including
5 35 salaries, support, maintenance, miscellaneous purposes, and for



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6 1 not more than the following full-time equivalent positions:
6 2 \$ 2,176,797
6 3 FTEs 20.58
6 4 10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID
6 5 For deposit in the school ready children grants account of
6 6 the early childhood Iowa fund created in section 256I.11:
6 7 \$ 5,386,113
6 8 a. From the moneys deposited in the school ready children
6 9 grants account for the fiscal year beginning July 1, 2011, and
6 10 ending June 30, 2012, not more than \$265,950 is allocated for
6 11 the early childhood Iowa office and other technical assistance
6 12 activities. The early childhood Iowa state board shall direct
6 13 staff to work with the early childhood stakeholders alliance
6 14 created in section 256I.12 to inventory technical assistance
6 15 needs. Moneys allocated under this lettered paragraph may be
6 16 used by the early childhood Iowa state board for the purpose of
6 17 skills development and support for ongoing training of staff.
6 18 However, except as otherwise provided in this subsection,
6 19 moneys shall not be used for additional staff or for the
6 20 reimbursement of staff.
6 21 b. As a condition of receiving moneys appropriated in
6 22 this subsection, each early childhood Iowa area board shall
6 23 report to the early childhood Iowa state board progress on
6 24 each of the local indicators approved by the area board. Each
6 25 early childhood Iowa area board must also submit an annual
6 26 budget for the area's comprehensive school ready children
6 27 grant developed for providing services for children from birth
6 28 through five years of age, and provide other information
6 29 specified by the early childhood Iowa state board, including
6 30 budget amendments as needed. The early childhood Iowa state
6 31 board shall establish a submission deadline for the annual
6 32 budget and any budget amendments that allow a reasonable period
6 33 of time for preparation by the early childhood Iowa area boards
6 34 and for review and approval or request for modification of
6 35 the materials by the early childhood Iowa state board. In



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7 1 addition, each early childhood Iowa area board must continue to
7 2 comply with reporting provisions and other requirements adopted
7 3 by the early childhood Iowa state board in implementing section
7 4 256I.9.

7 5 c. Of the amount appropriated in this subsection for
7 6 deposit in the school ready children grants account of the
7 7 early childhood Iowa fund, \$2,318,018 shall be used for efforts
7 8 to improve the quality of early care, health, and education
7 9 programs. Moneys allocated pursuant to this paragraph may be
7 10 used for additional staff and for the reimbursement of staff.
7 11 The early childhood Iowa state board may reserve a portion
7 12 of the allocation, not to exceed \$88,650, for the technical
7 13 assistance expenses of the early childhood Iowa state office,
7 14 including the reimbursement of staff, and shall distribute
7 15 the remainder to early childhood Iowa areas for local quality
7 16 improvement efforts through a methodology identified by the
7 17 early childhood Iowa state board to make the most productive
7 18 use of the funding, which may include use of the distribution
7 19 formula, grants, or other means.

7 20 d. Of the amount appropriated in this subsection for
7 21 deposit in the school ready children grants account of
7 22 the early childhood Iowa fund, \$825,030 shall be used for
7 23 support of professional development and training activities
7 24 for persons working in early care, health, and education by
7 25 the early childhood Iowa state board in collaboration with
7 26 the professional development component group of the early
7 27 childhood Iowa stakeholders alliance maintained pursuant to
7 28 section 256I.12, subsection 7, paragraph "b", and the early
7 29 childhood Iowa area boards. Expenditures shall be limited to
7 30 professional development and training activities agreed upon by
7 31 the parties participating in the collaboration.

7 32 11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION
7 33 ASSISTANCE

7 34 a. For deposit in the school ready children grants account
7 35 of the early childhood Iowa fund created in section 256I.11:



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8 1 \$ 4,936,586
8 2 b. The amount appropriated in this subsection shall be
8 3 used for early care, health, and education programs to assist
8 4 low-income parents with tuition for preschool and other
8 5 supportive services for children ages three, four, and five
8 6 who are not attending kindergarten in order to increase the
8 7 basic family income eligibility requirement to not more than
8 8 200 percent of the federal poverty level. In addition, if
8 9 sufficient funding is available after addressing the needs of
8 10 those who meet the basic income eligibility requirement, an
8 11 early childhood Iowa area board may provide for eligibility
8 12 for those with a family income in excess of the basic income
8 13 eligibility requirement through use of a sliding scale or other
8 14 copayment provisions.
8 15 12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND PARENT
8 16 EDUCATION
8 17 a. For deposit in the school ready children grants account
8 18 of the early childhood Iowa fund created in section 256I.11:
8 19 \$ 12,364,434
8 20 b. The amount appropriated in this subsection shall be
8 21 used for family support services and parent education programs
8 22 targeted to families expecting a child or with newborn and
8 23 infant children through age five and shall be distributed using
8 24 the distribution formula approved by the early childhood Iowa
8 25 state board and shall be used by an early childhood Iowa area
8 26 board only for family support services and parent education
8 27 programs targeted to families expecting a child or with newborn
8 28 and infant children through age five.
8 29 13. BIRTH TO AGE THREE SERVICES
8 30 For expansion of the federal Individuals with Disabilities
8 31 Education Improvement Act of 2004, Pub. L. No. 108-446, as
8 32 amended to January 1, 2011, birth through age three services
8 33 due to increased numbers of children qualifying for those
8 34 services:
8 35 \$ 1,721,400



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Senate Study Bill 1217 continued

9 1 From the moneys appropriated in this subsection, \$383,769
9 2 shall be allocated to the child health specialty clinic at the
9 3 state university of Iowa to provide additional support for
9 4 infants and toddlers who are born prematurely, drug=exposed, or
9 5 medically fragile.
9 6 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
9 7 To provide moneys for costs of providing textbooks to each
9 8 resident pupil who attends a nonpublic school as authorized by
9 9 section 301.1:
9 10 \$ 560,214
9 11 Funding under this subsection is limited to \$20 per pupil and
9 12 shall not exceed the comparable services offered to resident
9 13 public school pupils.
9 14 15. CORE CURRICULUM AND CAREER INFORMATION AND
9 15 DECISION=MAKING SYSTEM
9 16 For purposes of implementing the statewide core curriculum
9 17 for school districts and accredited nonpublic schools and a
9 18 state=designated career information and decision=making system:
9 19 \$ 1,000,000
9 20 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
9 21 For purposes of the student achievement and teacher quality
9 22 program established pursuant to chapter 284, and for not more
9 23 than the following full=time equivalent positions:
9 24 \$ 4,785,000
9 25 FTEs 2.00
9 26 17. COMMUNITY COLLEGES
9 27 a. For general state financial aid to merged areas as
9 28 defined in section 260C.2 in accordance with chapters 258 and
9 29 260C:
9 30 \$163,774,647
9 31 Notwithstanding the allocation formula in section 260C.18C,
9 32 the funds appropriated in this subsection shall be allocated
9 33 as follows:
9 34 (1) Merged Area I \$
8,164,628
9 35 (2) Merged Area II \$
8,653,675



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Senate Study Bill 1217 continued

10 1	(3)	Merged Area III	\$
7,965,666			
10 2	(4)	Merged Area IV	\$
3,913,107			
10 3	(5)	Merged Area V	\$
9,010,347			
10 4	(6)	Merged Area VI	\$
7,621,843			
10 5	(7)	Merged Area VII	\$
11,387,434			
10 6	(8)	Merged Area IX	\$
14,181,538			
10 7	(9)	Merged Area X	\$
25,053,587			
10 8	(10)	Merged Area XI	\$
25,338,428			
10 9	(11)	Merged Area XII	\$
9,291,308			
10 10	(12)	Merged Area XIII	\$
9,595,296			
10 11	(13)	Merged Area XIV	\$
3,975,456			
10 12	(14)	Merged Area XV	\$
12,456,924			
10 13	(15)	Merged Area XVI	\$
7,165,410			
10 14	b.	For distribution to community colleges to supplement	
10 15		faculty salaries:	
10 16		.....	\$ 500,000
10 17	c.	For deposit in the workforce training and economic	
10 18		development funds created pursuant to section 260C.18A:	
10 19		.....	\$ 5,000,000
10 20		Sec. 7. BOARD OF EDUCATIONAL EXAMINERS LICENSING	
10 21		FEES. Notwithstanding section 272.10, subsection 2, in	
10 22		addition to the percentage of licensing fees required to	
10 23		be deposited with the treasurer of state and credited to	
10 24		the general fund of the state pursuant to section 272.10,	
10 25		subsection 2, the executive director of the board of	
10 26		educational examiners shall, at the close of the fiscal year	
10 27		beginning July 1, 2010, transfer to the department of education	
10 28		the following amounts for the following purposes:	
10 29	1.	For purposes of vocational education administration	
10 30		salaries, support, maintenance, and miscellaneous purposes:	
10 31		.....	\$ 110,521
10 32	2.	For purposes of vocational rehabilitation services	
10 33		division salaries, support, maintenance, and miscellaneous	
10 34		purposes:	
10 35		\$ 176,789



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Senate Study Bill 1217 continued

11 1 Sec. 8. DEPARTMENT OF EDUCATION TRANSFERS. There is
11 2 transferred between the following designated appropriations
11 3 made to the department of education for the fiscal year
11 4 beginning July 1, 2010, and ending June 30, 2011, not more than
11 5 the following amounts:

11 6 From the appropriation made for purposes of the student
11 7 achievement and teacher quality program in 2010 Iowa Acts,
11 8 chapter 1183, section 6, subsection 18, as follows:

11 9 1. To the appropriation made for purposes of vocational
11 10 education administration in 2010 Iowa Acts, chapter 1183,
11 11 section 6, subsection 2:

11 12 \$ 110,521

11 13 2. To the appropriation made for purposes of vocational
11 14 education to secondary schools in 2010 Iowa Acts, chapter 1183,
11 15 section 6, subsection 8:

11 16 \$ 39,458

11 17 3. To the appropriation made for purposes of school food
11 18 service in 2010 Iowa Acts, chapter 1183, section 6, subsection
11 19 9:

11 20 \$ 55,739

11 21 STATE BOARD OF REGENTS

11 22 Sec. 9. There is appropriated from the general fund of
11 23 the state to the state board of regents for the fiscal year
11 24 beginning July 1, 2011, and ending June 30, 2012, the following
11 25 amounts, or so much thereof as may be necessary, to be used for
11 26 the purposes designated:

11 27 1. OFFICE OF STATE BOARD OF REGENTS

11 28 a. For salaries, support, maintenance, miscellaneous
11 29 purposes, and for not more than the following full-time
11 30 equivalent positions:

11 31 \$ 1,074,289

11 32 FTEs 15.00

11 33 (1) The state board of regents shall submit a monthly
11 34 financial report in a format agreed upon by the state board of
11 35 regents office and the legislative services agency.



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Senate Study Bill 1217 continued

12 1 (2) The state board of regents may transfer funding received
12 2 under paragraphs "b", "c", and "d" to any of the centers
12 3 specified in paragraph "b", "c", or "d" if the board notifies
12 4 the general assembly in writing, including both the legislative
12 5 council and the legislative services agency, of the amount, the
12 6 date, and the purpose of the transfer.
12 7 b. For moneys to be allocated to the southwest Iowa graduate
12 8 studies center:
12 9 \$ 88,234
12 10 c. For moneys to be allocated to the siouxland interstate
12 11 metropolitan planning council for the tristate graduate center
12 12 under section 262.9, subsection 22:
12 13 \$ 67,182
12 14 d. For moneys to be allocated to the quad=cities graduate
12 15 studies center:
12 16 \$ 130,908
12 17 e. For moneys to be distributed to Iowa public radio for
12 18 public radio operations:
12 19 \$ 394,981
12 20 2. STATE UNIVERSITY OF IOWA
12 21 a. General university, including lakeside laboratory
12 22 For salaries, support, maintenance, equipment, miscellaneous
12 23 purposes, and for not more than the following full=time
12 24 equivalent positions:
12 25 \$211,565,746
12 26 FTEs 5,058.55
12 27 b. Oakdale campus
12 28 For salaries, support, maintenance, miscellaneous purposes,
12 29 and for not more than the following full=time equivalent
12 30 positions:
12 31 \$ 2,205,620
12 32 FTEs 38.25
12 33 c. State hygienic laboratory
12 34 For salaries, support, maintenance, miscellaneous purposes,
12 35 and for not more than the following full=time equivalent



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Senate Study Bill 1217 continued

13 1 positions:
13 2 \$ 3,567,548
13 3 FTEs 102.50
13 4 d. Family practice program
13 5 For allocation by the dean of the college of medicine, with
13 6 approval of the advisory board, to qualified participants
13 7 to carry out the provisions of chapter 148D for the family
13 8 practice program, including salaries and support, and for not
13 9 more than the following full-time equivalent positions:
13 10 \$ 1,803,854
13 11 FTEs 190.40
13 12 e. Child health care services
13 13 For specialized child health care services, including
13 14 childhood cancer diagnostic and treatment network programs,
13 15 rural comprehensive care for hemophilia patients, and the
13 16 Iowa high-risk infant follow-up program, including salaries
13 17 and support, and for not more than the following full-time
13 18 equivalent positions:
13 19 \$ 665,205
13 20 FTEs 57.97
13 21 f. Statewide cancer registry
13 22 For the statewide cancer registry, and for not more than the
13 23 following full-time equivalent positions:
13 24 \$ 150,351
13 25 FTEs 2.10
13 26 g. Substance abuse consortium
13 27 For moneys to be allocated to the Iowa consortium for
13 28 substance abuse research and evaluation, and for not more than
13 29 the following full-time equivalent position:
13 30 \$ 56,013
13 31 FTEs 1.00
13 32 h. Center for biocatalysis
13 33 For the center for biocatalysis, and for not more than the
13 34 following full-time equivalent positions:
13 35 \$ 730,037



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Senate Study Bill 1217 continued

14	1 FTEs	6.28
14	2	i. Primary health care initiative	
14	3	For the primary health care initiative in the college	
14	4	of medicine, and for not more than the following full=time	
14	5	equivalent positions:	
14	6	..... \$	654,587
14	7	..... FTEs	5.89
14	8	From the moneys appropriated in this lettered paragraph,	
14	9	\$254,889 shall be allocated to the department of family	
14	10	practice at the state university of Iowa college of medicine	
14	11	for family practice faculty and support staff.	
14	12	j. Birth defects registry	
14	13	For the birth defects registry, and for not more than the	
14	14	following full=time equivalent position:	
14	15	..... \$	38,621
14	16	..... FTEs	1.00
14	17	k. Larned A. Waterman Iowa nonprofit resource center	
14	18	For the Larned A. Waterman Iowa nonprofit resource center,	
14	19	and for not more than the following full=time equivalent	
14	20	positions:	
14	21	..... \$	163,956
14	22	..... FTEs	2.75
14	23	l. Iowa online advanced placement academy science,	
14	24	technology, engineering, and mathematics initiative	
14	25	For the establishment of the Iowa online advanced placement	
14	26	academy science, technology, engineering, and mathematics	
14	27	initiative:	
14	28	..... \$	486,050
14	29	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY	
14	30	a. General university	
14	31	For salaries, support, maintenance, equipment, miscellaneous	
14	32	purposes, and for not more than the following full=time	
14	33	equivalent positions:	
14	34 \$	165,777,916
14	35 FTEs	3,647.42



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15 1 b. Agricultural experiment station
15 2 For the agricultural experiment station salaries, support,
15 3 maintenance, miscellaneous purposes, and for not more than the
15 4 following full=time equivalent positions:
15 5 \$ 28,356,948
15 6 FTEs 546.98
15 7 c. Cooperative extension service in agriculture and home
15 8 economics
15 9 For the cooperative extension service in agriculture and
15 10 home economics salaries, support, maintenance, miscellaneous
15 11 purposes, and for not more than the following full=time
15 12 equivalent positions:
15 13 \$ 18,093,089
15 14 FTEs 383.34
15 15 d. Leopold center
15 16 For agricultural research grants at Iowa state university of
15 17 science and technology under section 266.39B, and for not more
15 18 than the following full=time equivalent positions:
15 19 \$ 400,882
15 20 FTEs 11.25
15 21 e. Livestock disease research
15 22 For deposit in and the use of the livestock disease research
15 23 fund under section 267.8:
15 24 \$ 174,352
15 25 4. UNIVERSITY OF NORTHERN IOWA
15 26 a. General university
15 27 For salaries, support, maintenance, equipment, miscellaneous
15 28 purposes, and for not more than the following full=time
15 29 equivalent positions:
15 30 \$ 75,386,103
15 31 FTEs 1,447.50
15 32 b. Recycling and reuse center
15 33 For purposes of the recycling and reuse center, and for not
15 34 more than the following full=time equivalent positions:
15 35 \$ 176,784



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Senate Study Bill 1217 continued

16 1 FTEs 3.00
16 2 c. Science, technology, engineering, and mathematics (STEM)
16 3 collaborative initiative
16 4 For purposes of establishing a science, technology,
16 5 engineering, and mathematics (STEM) collaborative initiative,
16 6 and for not more than the following full-time equivalent
16 7 positions:
16 8 \$ 1,749,778
16 9 FTEs 6.20
16 10 (1) From the moneys appropriated in this lettered
16 11 paragraph, up to \$282,000 shall be allocated for salaries,
16 12 staffing, and institutional support. The remainder of the
16 13 moneys appropriated in this lettered paragraph shall be
16 14 expended only to support activities directly related to
16 15 recruitment of kindergarten through grade 12 mathematics and
16 16 science teachers and for ongoing mathematics and science
16 17 programming for students enrolled in kindergarten through grade
16 18 12.
16 19 (2) The university of northern Iowa shall work with the
16 20 community colleges to develop STEM professional development
16 21 programs for community college instructors and STEM curriculum
16 22 development.
16 23 d. Real estate education program
16 24 For purposes of the real estate education program, and for
16 25 not more than the following full-time equivalent position:
16 26 \$ 126,394
16 27 FTEs 1.00
16 28 5. STATE SCHOOL FOR THE DEAF
16 29 For salaries, support, maintenance, miscellaneous purposes,
16 30 and for not more than the following full-time equivalent
16 31 positions:
16 32 \$ 8,437,786
16 33 FTEs 126.60
16 34 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
16 35 For salaries, support, maintenance, miscellaneous purposes,



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Senate Study Bill 1217 continued

17 1 and for not more than the following full-time equivalent
17 2 positions:
17 3 \$ 3,622,320
17 4 FTEs 62.87
17 5 7. TUITION AND TRANSPORTATION COSTS
17 6 For payment to local school boards for the tuition and
17 7 transportation costs of students residing in the Iowa braille
17 8 and sight saving school and the state school for the deaf
17 9 pursuant to section 262.43 and for payment of certain clothing,
17 10 prescription, and transportation costs for students at these
17 11 schools pursuant to section 270.5:
17 12 \$ 11,865
17 13 8. LICENSED CLASSROOM TEACHERS
17 14 For distribution at the Iowa braille and sight saving school
17 15 and the Iowa school for the deaf based upon the average yearly
17 16 enrollment at each school as determined by the state board of
17 17 regents:
17 18 \$ 82,765
17 19 Sec. 10. ENERGY COST=SAVINGS PROJECTS === FINANCING. For
17 20 the fiscal year beginning July 1, 2011, and ending June 30,
17 21 2012, the state board of regents may use notes, bonds, or
17 22 other evidences of indebtedness issued under section 262.48 to
17 23 finance projects that will result in energy cost savings in an
17 24 amount that will cause the state board to recover the cost of
17 25 the projects within an average of six years.
17 26 Sec. 11. PRESCRIPTION DRUG COSTS. Notwithstanding section
17 27 270.7, the department of administrative services shall pay
17 28 the state school for the deaf and the Iowa braille and sight
17 29 saving school the moneys collected from the counties during the
17 30 fiscal year beginning July 1, 2011, for expenses relating to
17 31 prescription drug costs for students attending the state school
17 32 for the deaf and the Iowa braille and sight saving school.
17 33 Sec. 12. Section 256I.9, subsection 2, Code 2011, is amended
17 34 to read as follows:
17 35 2. The state board shall provide maximum flexibility to



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Senate Study Bill 1217 continued

18 1 grantees for the use of the grant moneys included in a school
18 2 ready children grant, including but not limited to authorizing
18 3 an area board to use grant moneys to pay for regular audits
18 4 required pursuant to section 256I.5, subsection 1, if moneys
18 5 distributed to an area board for administrative costs are
18 6 insufficient to pay for the required audits.

18 7 Sec. 13. Section 256I.9, subsection 3, paragraph b, Code
18 8 2011, is amended by adding the following new unnumbered
18 9 paragraph:

18 10 NEW UNNUMBERED PARAGRAPH It is the intent of the general
18 11 assembly that priority for home visitation program funding be
18 12 given to programs using evidence-based or promising models for
18 13 home visitation.

18 14 Sec. 14. Section 257.11, subsection 5, Code 2011, is amended
18 15 by striking the subsection.

18 16 Sec. 15. Section 261.6, subsection 2, Code 2011, is amended
18 17 by adding the following new paragraph:

18 18 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,
18 19 notwithstanding subsection 3, paragraph "c", under the age of
18 20 twenty-six; is not a convicted felon as defined in section
18 21 910.15; and meets the following criteria:

18 22 (a) Is the child of a peace officer, as defined in section
18 23 97A.1, who is permanently and totally disabled and who receives
18 24 benefits under section 97A.6, subsection 5, or was killed in
18 25 the line of duty as determined by the board of trustees of the
18 26 Iowa department of public safety peace officers' retirement,
18 27 accident, and disability system in accordance with section
18 28 97A.6, subsection 16.

18 29 (b) Is the child of a police officer or a fire fighter,
18 30 as defined in section 411.1, who is permanently and totally
18 31 disabled and who receives benefits under section 411.6,
18 32 subsection 5, or was killed in the line of duty as determined
18 33 by the statewide fire and police retirement system in
18 34 accordance with section 411.6, subsection 15.

18 35 (c) Is the child of a person described as a peace officer



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19 1 under section 97B.49B or is the child of a sheriff or deputy
19 2 sheriff as defined in section 97B.49C, who is permanently and
19 3 totally disabled and who receives an in-service disability
19 4 retirement allowance under section 97B.50A, subsection 2, or
19 5 is killed in the line of duty as determined by the Iowa public
19 6 employees' retirement system in accordance with section 97B.52,
19 7 subsection 2.

19 8 (2) If a student receives financial aid under any other
19 9 federal, state, or institutional scholarship or grant program,
19 10 the full amount of the other financial aid shall be applied to
19 11 the student's expenses first and shall be considered part of
19 12 the student's available financial resources in determining the
19 13 amount of the student's award under this paragraph "d". The
19 14 total financial aid for the student's education, including
19 15 financial aid under any other program, shall not exceed the
19 16 student's cost of attendance at the institution which the
19 17 student attends.

19 18 (3) For purposes of this paragraph "d":

19 19 (a) "Approved postsecondary education or training program"
19 20 means a program offered by an Iowa community college or
19 21 institution of higher education governed by the state board of
19 22 regents.

19 23 (b) "Permanently and totally disabled" means the individual
19 24 is unable to engage in any substantial gainful activity
19 25 by reason of a medically determinable physical impairment
19 26 which can be expected to last for a continuous period or
19 27 can be expected to result in death. A certificate from a
19 28 qualified physician attesting to the individual's permanent
19 29 and total disability must be submitted to the commission. The
19 30 certificate must include the name and address of the physician
19 31 and contain an acknowledgment that the certificate will be
19 32 used by the individual to qualify for educational assistance
19 33 pursuant to this section.

19 34 Sec. 16. Section 261.19, Code 2011, is amended to read as
19 35 follows:



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20 1 261.19 ~~Osteopathic physician~~ Health care professional
20 2 recruitment program.
20 3 1. A physician health care professional recruitment program
20 4 is established, to be administered by the college student aid
20 5 commission, for Des Moines university ~~==== osteopathic medical~~
~~20 6 center.~~ The program shall consist of a ~~forgivable loan program~~
~~20 7 and a tuition scholarship program for students and a loan~~
20 8 repayment program for ~~physicians~~ health care professionals.
20 9 The commission shall regularly adjust the ~~physician~~ service
20 10 requirement under each aspect of the program to provide, to the
20 11 extent possible, an equal financial benefit for each period of
20 12 service required.
20 13 2.a. ~~Notwithstanding the administration provisions of~~
~~20 14 subsection 1, the forgivable loan program established pursuant~~
~~20 15 to subsection 1 shall be administered by the commission in~~
~~20 16 conjunction with Des Moines university ---- osteopathic medical~~
~~20 17 center. Des Moines university ---- osteopathic medical center~~
~~20 18 shall match on an equal basis state aid appropriated for~~
~~20 19 purposes of the forgivable loan program.~~
20 20 b. ~~Des Moines university ---- osteopathic medical center~~
~~20 21 shall provide recommendations to the commission for students~~
~~20 22 who meet the eligibility requirements of the forgivable loan~~
~~20 23 program. A forgivable loan may be awarded to a resident of~~
~~20 24 Iowa who is enrolled at Des Moines university ---- osteopathic~~
~~20 25 medical center if the student agrees to practice in this state~~
~~20 26 for a period of time to be determined by the commission at~~
~~20 27 the time the loan is awarded. Forgivable loans to eligible~~
~~20 28 students shall not become due until after the student completes~~
~~20 29 a residency program. Interest on the loans shall begin to~~
~~20 30 accrue the day following the student's graduation date. If~~
~~20 31 the student completes the period of practice established by~~
~~20 32 the commission and agreed to by the student, the loan amount~~
~~20 33 shall be forgiven. The loan amount shall not be forgiven if~~
~~20 34 the osteopathic physician fails to complete the required time~~
~~20 35 period of practice in this state or fails to satisfactorily~~



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~~21 1 continue in the university's program of medical education.~~
~~21 2 3. A student enrolled at Des Moines university ----~~
~~21 3 osteopathic medical center shall be eligible for a tuition~~
~~21 4 scholarship for the student's study at the university. The~~
~~21 5 scholarship shall be for an amount not to exceed the annual~~
~~21 6 tuition at the university. A student who receives a tuition~~
~~21 7 scholarship shall not be eligible for the loan repayment~~
~~21 8 program provided for by this section. A student who receives~~
~~21 9 a tuition scholarship shall agree to practice in an eligible~~
~~21 10 rural community in this state for a period of time to be~~
~~21 11 determined by the commission at the time the scholarship is~~
~~21 12 awarded. The student shall repay the scholarship to the~~
~~21 13 commission if the student fails to practice in a medically~~
~~21 14 underserved rural community in this state for the required~~
~~21 15 period of time.~~
~~21 16 4. A physician health care professional shall be eligible~~
~~21 17 for the physician loan repayment program if the physician~~
~~21 18 health care professional agrees to practice in an eligible~~
~~21 19 rural community in this state. Des Moines university ----~~
~~21 20 osteopathic medical center shall recruit and place physicians~~
~~21 21 health care professionals in rural communities which have~~
~~21 22 agreed to provide additional funds for the physician's~~
~~21 23 recipient's loan repayment. The contract for the loan~~
~~21 24 repayment shall stipulate the time period the physician~~
~~21 25 recipient shall practice in an eligible rural community in this~~
~~21 26 state. In addition, the contract shall stipulate that the~~
~~21 27 physician recipient repay any funds paid on the physician's~~
~~21 28 recipient's loan by the commission if the physician recipient~~
~~21 29 fails to practice in an eligible rural community in this state~~
~~21 30 for the required period of time.~~
~~21 31 3. A health care professional recruitment revolving fund~~
~~21 32 is created in the state treasury as a separate fund under~~
~~21 33 the control of the commission. The commission shall deposit~~
~~21 34 payments made by health care professional recruitment program~~
~~21 35 recipients and the proceeds from the sale of osteopathic loans~~



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22 1 awarded pursuant to section 261.19, subsection 2, paragraph
22 2 "b", Code 2011, into the health care professional recruitment
22 3 revolving fund. Moneys credited to the fund shall be used to
22 4 supplement moneys appropriated for the health care professional
22 5 recruitment program, for loan repayment in accordance with this
22 6 section, and to pay for loan or interest repayment defaults by
22 7 program recipients. Notwithstanding section 8.33, any balance
22 8 in the fund on June 30 of any fiscal year shall not revert to
22 9 the general fund of the state.

22 10 4. For purposes of this ~~subsection~~, "eligible section:
22 11 a. "Eligible rural community" means a medically underserved
22 12 rural community which agrees to match state funds provided
22 13 on at least a dollar=for=dollar basis for the loan repayment
22 14 of a ~~physician~~ health care professional who practices in the
22 15 community.
22 16 b. "Health care professional" means a ~~physician~~, physician
22 17 assistant, podiatrist, or physical therapist.

22 18 5. The commission shall adopt rules pursuant to chapter 17A
22 19 to administer this section.

22 20 Sec. 17. Section 261.25, subsections 1 through 3, Code 2011,
22 21 are amended to read as follows:

22 22 1. There is appropriated from the general fund of the state
22 23 to the commission for each fiscal year the sum of ~~forty=four~~
22 24 ~~forty=two million thirteen~~ three hundred fifty=two thousand
22 25 ~~four six hundred forty-eight~~ eighty=seven dollars for tuition
22 26 grants.

22 27 2. There is appropriated from the general fund of the state
22 28 to the commission for each fiscal year the sum of four million
22 29 ~~six four hundred fifty~~ twenty=five thousand ~~four two~~ hundred
22 30 ~~eighty=seven~~ forty=four dollars for tuition grants for students
22 31 attending for=profit accredited private institutions located in
22 32 Iowa. A for=profit institution which, effective March 9, 2005,
22 33 or effective January 8, 2010, purchased an accredited private
22 34 institution that was exempt from taxation under section 501(c)
22 35 of the Internal Revenue Code, shall be an eligible institution



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23 1 under the tuition grant program. For purposes of the tuition
23 2 grant program, "for-profit accredited private institution" means
23 3 an accredited private institution which is not exempt from
23 4 taxation under section 501(c)(3) of the Internal Revenue Code
23 5 but which otherwise meets the requirements of section 261.9,
23 6 subsection 1, paragraph "b", and whose students were eligible
23 7 to receive tuition grants in the fiscal year beginning July 1,
23 8 2003.

23 9 3. There is appropriated from the general fund of the state
23 10 to the commission for each fiscal year the sum of two million
23 11 ~~four~~ two hundred ~~thirteen~~ fifty thousand ~~nine~~ one hundred
23 12 ~~fifty-nine~~ eighty-five dollars for vocational-technical tuition
23 13 grants.

23 14 Sec. 18. Section 261E.3, subsection 1, paragraph e, Code
23 15 2011, is amended to read as follows:

23 16 e. The student shall have demonstrated proficiency in
23 17 reading, mathematics, and science as evidenced by achievement
23 18 scores on the latest administration of the state assessment for
23 19 which scores are available and as defined by the department.
23 20 However, a student receiving competent private instruction
23 21 under chapter 299A may demonstrate proficiency by submitting
23 22 the written recommendation of the licensed practitioner
23 23 providing supervision to the student in accordance with section
23 24 299A.2; may demonstrate proficiency as evidenced by achievement
23 25 scores on the annual achievement evaluation required under
23 26 section 299A.4; or may demonstrate proficiency as evidenced by
23 27 a selection index, which is the sum of the critical reading,
23 28 mathematics, and writing skills assessments, of at least one
23 29 hundred forty-one on the preliminary scholastic aptitude
23 30 test administered by the college board; a composite score
23 31 of at least twenty-one on the college readiness assessment
23 32 administered by ACT, inc.; or a sum of the critical reading
23 33 and mathematics scores of at least nine hundred ninety on the
23 34 college readiness assessment administered by the college board.

23 35 If a student is not proficient in one or more of the content



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24 1 areas listed in this paragraph, has not taken the college
24 2 readiness assessments identified in this paragraph, or has not
24 3 achieved the scores specified in this paragraph, the school
24 4 board may establish alternative but equivalent qualifying
24 5 performance measures including but not limited to additional
24 6 administrations of the state assessment, portfolios of student
24 7 work, student performance rubric, or end-of-course assessments.
24 8 Sec. 19. Section 261E.9, subsections 1 through 3, Code 2011,
24 9 are amended to read as follows:
24 10 1. a. A regional academy is a program established by
24 11 a school district to which multiple school districts send
24 12 students in grades ~~nine~~ seven through twelve, ~~and which may~~
~~24 13 include internet-based coursework and courses delivered via the~~
~~24 14 Iowa communications network. A regional academy shall include~~
~~24 15 in its curriculum advanced level courses and may include in its~~
~~24 16 curriculum career and technical courses. A school district~~
24 17 establishing a regional academy may collaborate and partner
24 18 with, enter into an agreement pursuant to chapter 28E with,
24 19 or enter into a contract with, one or more school districts,
24 20 area education agencies, community colleges, accredited public
24 21 and private postsecondary institutions, accredited nonpublic
24 22 schools, businesses, and private agencies located within or
24 23 outside of the state.
24 24 b. The purpose of a regional academy established pursuant
24 25 to this section shall be to build a culture of innovation for
24 26 students and community, to diversify educational and economic
24 27 opportunities by engaging in learning experiences that involve
24 28 students in complex, real-world projects, and to develop
24 29 regional or global innovation networks.
24 30 c. If a school district establishing a regional academy in
24 31 accordance with this section submits a plan to the department
24 32 for approval that demonstrates how the regional academy will
24 33 increase and assess student achievement or increase and assess
24 34 competency-based learning opportunities for students, the
24 35 department may waive or modify any statutory or regulatory



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25 1 provision applicable to school districts except the department
25 2 shall not waive or modify any statutory or regulatory provision
25 3 relating to requirements applicable to school districts under
25 4 chapters 11, 21, 22, 216, 216A, 256B, 279, 284, and 285; or
25 5 relating to contracts with and discharge of teachers and
25 6 administrators under chapters 20 and 279; or relating to audit
25 7 requirements under section 256.9, subsection 20, and section
25 8 279.29.

25 9 2. a. A regional academy ~~course~~ shall ~~not qualify as a~~
~~25 10 concurrent enrollment course~~ include in its curriculum advanced
25 11 level courses.

25 12 b. A regional academy may include in its curriculum virtual
25 13 or internet-based coursework and courses delivered via the Iowa
25 14 communications network, career and technical courses, core
25 15 curriculum coursework, courses required pursuant to section
25 16 256.7, subsection 26, or section 256.11, subsections 4 and 5,
25 17 and asynchronous learning networks.

25 18 3. School districts participating in regional academies are
25 19 eligible for supplementary weighting as provided in section
25 20 257.11, subsection 2. The school districts participating in
25 21 the regional academy shall enter into an agreement on how the
25 22 funding generated by the supplementary weighting received shall
25 23 be used and shall submit the agreement to the department for
25 24 approval.

25 25 Sec. 20. Section 262.13, Code 2011, is amended to read as
25 26 follows:

25 27 262.13 ~~Security~~ Peace officers at institutions ~~as peace~~
~~25 28 officers.~~

25 29 The board may authorize any institution under its control
25 30 to commission one or more of its employees as ~~special security~~
~~25 31 peace officers. Special security officers~~ Such officers shall
25 32 have the same powers, duties, privileges, and immunities of
~~25 33 as conferred on regular peace officers when acting in the~~
~~25 34 interests of the institution by which they are employed.~~

25 35 The board shall provide as rapidly as practicable for the



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26 1 adequate training and certification of such ~~special security~~
26 2 peace officers at the Iowa law enforcement academy or in
26 3 an equivalent at a law enforcement training program school
26 4 approved by the academy, unless they have the peace officers
26 5 are already received such training certified by the Iowa law
26 6 enforcement academy or by an approved law enforcement training
26 7 school.

26 8 Sec. 21. Section 263.8A, Code 2011, is amended to read as
26 9 follows:

26 10 263.8A International center for talented and gifted education
26 11 === Iowa online advanced placement academy science, technology,
26 12 engineering, and mathematics initiative.

26 13 1. a. The state board of regents shall establish and
26 14 maintain at Iowa City as an integral part of the state
26 15 university of Iowa the international center for talented and
26 16 gifted education. The international center shall provide
26 17 programs to assist classroom teachers to teach gifted and
26 18 talented students in regular classrooms, provide programs
26 19 to enhance the learning experiences of gifted and talented
26 20 students, serve as a center for national and international
26 21 symposiums and policy forums for enhancing the teaching of
26 22 gifted and talented students, and undertake other appropriate
26 23 activities to enhance the programs of the center, including,
26 24 but not limited to, coordinating and working with the world
26 25 council for gifted and talented children, incorporated.

26 26 b. An international center endowment fund is established
26 27 at the state university of Iowa and gifts and grants to the
26 28 international center and investment earnings and returns on
26 29 the endowment fund shall be deposited in the fund and may be
26 30 expended by the state university of Iowa for the purposes for
26 31 which the international center was established.

26 32 2. The Iowa online advanced placement academy science,
26 33 technology, engineering, and mathematics initiative is
26 34 established within the international center for talented and
26 35 gifted education at the state university of Iowa to deliver,



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27 1 with an emphasis on science, technology, engineering, and
27 2 mathematics coursework, preadvanced placement and advanced
27 3 placement courses to high school students throughout the state,
27 4 provide training opportunities for teachers to learn how to
27 5 teach advanced placement courses in Iowa's high schools, and
27 6 provide preparation for middle school students to ensure
27 7 success in high school.

27 8 Sec. 22. Section 284.13, subsection 1, paragraphs a through
27 9 d, Code 2011, are amended to read as follows:

27 10 a. For the fiscal year beginning July 1, ~~2010~~ 2011, and
27 11 ending June 30, ~~2011~~ 2012, to the department of education, the
27 12 amount of ~~nine~~ six hundred ~~sixty-four~~ eighty-five thousand
27 13 dollars for the issuance of national board certification awards
27 14 in accordance with section 256.44. Of the amount allocated
27 15 under this paragraph, not less than ~~seventy-six~~ eighty-five
27 16 thousand ~~five hundred~~ dollars shall be used to administer the
27 17 ambassador to education position in accordance with section
27 18 256.45.

27 19 b. For the fiscal year beginning July 1, ~~2010~~ 2011, and
27 20 ~~succeeding fiscal years~~ ending June 30, 2012, an amount
27 21 up to ~~four~~ two million ~~one~~ three hundred ~~seven~~ ninety-five
27 22 thousand ~~two hundred forty~~ one hundred fifty-seven dollars
27 23 for first-year and second-year beginning teachers, to the
27 24 department of education for distribution to school districts
27 25 and area education agencies for purposes of the beginning
27 26 teacher mentoring and induction programs. A school district or
27 27 area education agency shall receive one thousand three hundred
27 28 dollars per beginning teacher participating in the program.
27 29 If the funds appropriated for the program are insufficient to
27 30 pay mentors, school districts, and area education agencies
27 31 as provided in this paragraph, the department shall prorate
27 32 the amount distributed to school districts and area education
27 33 agencies based upon the amount appropriated. Moneys received
27 34 by a school district or area education agency pursuant to
27 35 this paragraph shall be expended to provide each mentor with



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28 1 an award of five hundred dollars per semester, at a minimum,
28 2 for participation in the school district's or area education
28 3 agency's beginning teacher mentoring and induction program;
28 4 to implement the plan; and to pay any applicable costs of the
28 5 employer's share of contributions to federal social security
28 6 and the Iowa public employees' retirement system or a pension
28 7 and annuity retirement system established under chapter 294,
28 8 for such amounts paid by the district or area education agency.

28 9 c. For the fiscal year beginning July 1, ~~2010~~ 2011, and
28 10 ending June 30, ~~2011~~ 2012, up to six hundred ~~thirteen~~ thousand
28 11 ~~eight hundred seventy-eight~~ dollars to the department for
28 12 purposes of implementing the professional development program
28 13 requirements of section 284.6, assistance in developing model
28 14 evidence for teacher quality committees established pursuant to
28 15 section 284.4, subsection 1, paragraph "c", and the evaluator
28 16 training program in section 284.10. A portion of the funds
28 17 allocated to the department for purposes of this paragraph may
28 18 be used by the department for administrative purposes and for
28 19 not more than four full-time equivalent positions.

28 20 d. ~~For each the fiscal year in which funds are appropriated~~
~~28 21 for purposes of this chapter beginning July 1, 2011, and~~
28 22 ending June 30, 2012, an amount up to one million ~~six~~ one
28 23 ~~hundred twenty-nine~~ four thousand ~~six~~ eight hundred ~~forty-seven~~
~~28 24 forty-three~~ dollars to the department for the establishment
28 25 of teacher development academies in accordance with section
28 26 284.6, subsection 10. A portion of the funds allocated to
28 27 the department for purposes of this paragraph may be used for
28 28 administrative purposes.

28 29 Sec. 23. Section 298.3, subsection 1, paragraph c, Code
28 30 2011, is amended to read as follows:

28 31 c. The purchase, lease, or lease=purchase of ~~a single unit~~
~~28 32 of~~ equipment or technology exceeding five hundred dollars in
28 33 value per ~~unit~~ purchase, lease, or lease=purchase transaction.
28 34 Each transaction may include multiple equipment or technology
28 35 units.



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29 1 Sec. 24. Section 299A.2, Code 2011, is amended to read as
29 2 follows:
29 3 299A.2 Competent private instruction by licensed
29 4 practitioner.
29 5 If a licensed practitioner provides competent instruction
29 6 to a school=age child ~~of compulsory attendance age~~, the
29 7 practitioner shall possess a valid license or certificate which
29 8 has been issued by the state board of educational examiners
29 9 under chapter 272 and which is appropriate to the ages and
29 10 grade levels of the children to be taught. Competent private
29 11 instruction may include, but is not limited to, a home school
29 12 assistance program which provides instruction or instructional
29 13 supervision offered through an accredited nonpublic school or
29 14 public school district by a teacher, who is employed by the
29 15 accredited nonpublic school or public school district, who
29 16 assists and supervises a parent, guardian, or legal custodian
29 17 in providing instruction to a child. If competent private
29 18 instruction is provided through a public school district, the
29 19 child shall be enrolled and included in the basic enrollment
29 20 of the school district as provided in section 257.6. Sections
29 21 299A.3 through 299A.7 do not apply to competent private
29 22 instruction provided by a licensed practitioner under this
29 23 section. However, the reporting requirement contained in
29 24 section 299A.3, subsection 1, shall apply to competent private
29 25 instruction provided by licensed practitioners that is not
29 26 part of a home school assistance program offered through an
29 27 accredited nonpublic school or public school district.
29 28 Sec. 25. Section 299A.8, Code 2011, is amended to read as
29 29 follows:
29 30 299A.8 Dual enrollment.
29 31 If a parent, guardian, or legal custodian of a school=age
29 32 child who is receiving competent private instruction under
29 33 this chapter ~~or a child over compulsory age who is receiving~~
~~29 34 private instruction~~ submits a request, the child shall also be
29 35 registered in a public school for dual enrollment purposes.



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30 1 If the child is enrolled in a public school district for
30 2 dual enrollment purposes, the child shall be permitted to
30 3 participate in any academic activities in the district and
30 4 shall also be permitted to participate on the same basis as
30 5 public school children in any extracurricular activities
30 6 available to children in the child's grade or group, and the
30 7 parent, guardian, or legal custodian shall not be required to
30 8 pay the costs of any annual evaluation under this chapter. If
30 9 the child is enrolled for dual enrollment purposes, the child
30 10 shall be included in the public school's basic enrollment
30 11 under section 257.6. A pupil who is participating only in
30 12 extracurricular activities shall be counted under section
30 13 257.6, subsection 1, paragraph "a", subparagraph (6). A pupil
30 14 enrolled in grades nine through twelve under this section shall
30 15 be counted in the same manner as a shared-time pupil under
30 16 section 257.6, subsection 1, paragraph "a", subparagraph (3).

30 17 Sec. 26. Section 299A.12, subsection 1, Code 2011, is
30 18 amended to read as follows:

30 19 1. The board of directors of a school district ~~may~~ shall
30 20 expend moneys received pursuant to section 257.6, subsection
30 21 1, paragraph "a", subparagraph (5), for purposes of providing a
30 22 home school assistance program.

30 23 Sec. 27. Section 299A.12, subsection 2, paragraphs a and b,
30 24 Code 2011, are amended to read as follows:

30 25 a. ~~Assisting~~ Instruction for students and assisting parents
30 26 with instruction.

30 27 b. ~~Student Support services for students and teaching-parent~~
30 28 ~~support services teaching parents and staff support services.~~

30 29 Sec. 28. Section 299A.12, subsection 2, paragraph g,
30 30 unnumbered paragraph 1, Code 2011, is amended to read as
30 31 follows:

30 32 Resources, materials, computer software and hardware, ~~and~~
30 33 supplies, and purchased services that meet the following
30 34 criteria:

30 35 Sec. 29. Section 299A.12, subsection 3, paragraphs b, c, e,



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31 1 and f, Code 2011, are amended to read as follows:

31 2 b. Operational or maintenance costs ~~in addition to the cost~~
~~31 3 of maintaining school district facilities other than those~~
31 4 necessary to operate and maintain the program.

31 5 c. Capital expenditures other than equipment or facility
31 6 acquisition, including the lease or rental of space to
31 7 supplement existing schoolhouse facilities.

31 8 e. Administrative costs other than the costs necessary to
31 9 administer the program.

31 10 f. Concurrent and dual enrollment ~~program~~ costs and
31 11 postsecondary enrollment options program costs.

31 12 Sec. 30. Section 321.89, subsection 1, paragraph c, Code
31 13 2011, is amended to read as follows:

31 14 c. "Police authority" means the state patrol, any law
31 15 enforcement agency of a county or city, or any ~~special security~~
~~31 16~~ peace officer employed by the state board of regents under
31 17 section 262.13.

31 18 Sec. 31. Section 801.4, subsection 11, paragraph f, Code
31 19 2011, is amended to read as follows:

31 20 f. ~~Special security~~ Peace officers employed by board of
31 21 regents institutions as set forth in section 262.13.

31 22 Sec. 32. REPEAL. Section 261.19B, Code 2011, is repealed.

31 23 Sec. 33. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
31 24 APPLICABILITY.

31 25 1. The section of this division of this Act appropriating
31 26 moneys from the general fund of the state to the college
31 27 student aid commission for purposes of providing national guard
31 28 educational assistance, being deemed of immediate importance,
31 29 takes effect upon enactment, and if approved by the governor on
31 30 or after July 1, 2011, shall apply retroactively to June 30,
31 31 2011.

31 32 2. The section of this division of this Act providing for
31 33 the transfer of board of educational examiners' licensing fees
31 34 to the department of education, being deemed of immediate
31 35 importance, takes effect immediately, and if approved by the



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32 1 governor on or after July 1, 2011, shall apply retroactively
32 2 to June 30, 2011.

32 3 3. The section of this division of this Act transferring
32 4 moneys appropriated pursuant to 2010 Iowa Acts, chapter 1183,
32 5 section 6, subsection 18, being deemed of immediate importance,
32 6 takes effect upon enactment, and if approved by the governor on
32 7 or after July 1, 2011, shall apply retroactively to June 30,
32 8 2011.

32 9 4. The section of this division of this Act amending section
32 10 261.6, subsection 2, being deemed of immediate importance,
32 11 takes effect upon enactment and if approved by the governor on
32 12 or after July 1, 2011, shall apply retroactively to June 30,
32 13 2011.

32 14 Sec. 34. EFFECTIVE DATE AND APPLICABILITY. The section of
32 15 this division of this Act amending section 261E.9, subsections
32 16 1 through 3, takes effect July 1, 2012, and is applicable to
32 17 school years beginning on or after July 1, 2012.

32 18 Sec. 35. APPLICABILITY. The section of this division of
32 19 this Act that amends section 298.3 applies to school budget
32 20 years beginning on or after July 1, 2011.

32 21 Sec. 36. RETROACTIVE APPLICABILITY. The sections of this
32 22 division of this Act amending sections 299A.2 and 299A.8 apply
32 23 retroactively to the base year beginning July 1, 2009.

32 24 DIVISION II

32 25 LIBRARY PROVISIONS

32 26 Sec. 37. Section 8A.454, subsection 2, Code 2011, is amended
32 27 to read as follows:

32 28 2. A monthly per contract administrative charge shall
32 29 be assessed by the department on all health insurance plans
32 30 administered by the department in which the contract holder
32 31 has a state employer to pay the charge. The amount of the
32 32 administrative charge shall be established by the general
32 33 assembly. The department shall collect the administrative
32 34 charge from each department utilizing the centralized payroll
32 35 system and shall deposit the proceeds in the fund. In



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33 1 addition, the state board of regents, ~~all library service~~
~~33 2 areas,~~ the state fair board, the state department of
33 3 transportation, and each judicial district department of
33 4 correctional services shall remit the administrative charge on
33 5 a monthly basis to the department and shall submit a report
33 6 to the department containing the number and type of health
33 7 insurance contracts held by each of its employees whose health
33 8 insurance is administered by the department.
33 9 Sec. 38. Section 8D.2, subsection 5, paragraph a, Code 2011,
33 10 is amended to read as follows:
33 11 a. "Public agency" means a state agency, an institution
33 12 under the control of the board of regents, the judicial
33 13 branch as provided in section 8D.13, subsection 16, a school
33 14 corporation, a city library, ~~a library service area as provided~~
~~33 15 in chapter 256,~~ a county library as provided in chapter 336,
33 16 or a judicial district department of correctional services
33 17 established in section 905.2, to the extent provided in section
33 18 8D.13, subsection 14, an agency of the federal government, or a
33 19 United States post office which receives a federal grant for
33 20 pilot and demonstration projects.
33 21 Sec. 39. Section 8D.9, subsection 1, Code 2011, is amended
33 22 to read as follows:
33 23 1. A private or public agency, other than a state agency,
33 24 local school district or nonpublic school, city library,
33 25 ~~library service area,~~ county library, judicial branch, judicial
33 26 district department of correctional services, agency of the
33 27 federal government, a hospital or physician clinic, or a
33 28 post office authorized to be offered access pursuant to this
33 29 chapter as of May 18, 1994, shall certify to the commission
33 30 no later than July 1, 1994, that the agency is a part of or
33 31 intends to become a part of the network. Upon receiving such
33 32 certification from an agency not a part of the network on May
33 33 18, 1994, the commission shall provide for the connection of
33 34 such agency as soon as practical. An agency which does not
33 35 certify to the commission that the agency is a part of or



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34 1 intends to become a part of the network as required by this
34 2 subsection shall be prohibited from using the network.
34 3 Sec. 40. Section 8D.11, subsection 4, Code 2011, is amended
34 4 to read as follows:
34 5 4. A political subdivision receiving communications
34 6 services from the state as of April 1, 1986, may continue to
34 7 do so but communications services shall not be provided or
34 8 resold to additional political subdivisions other than a school
34 9 corporation, a city library, ~~a library service area as provided~~
~~34 10 in chapter 256,~~ and a county library as provided in chapter
34 11 336. The rates charged to the political subdivision shall be
34 12 the same as the rates charged to state agencies.
34 13 Sec. 41. Section 12C.1, subsection 1, Code 2011, is amended
34 14 to read as follows:
34 15 1. All funds held by the following officers or institutions
34 16 shall be deposited in one or more depositories first approved
34 17 by the appropriate governing body as indicated: for the
34 18 treasurer of state, by the executive council; for judicial
34 19 officers and court employees, by the supreme court; for the
34 20 county treasurer, recorder, auditor, and sheriff, by the board
34 21 of supervisors; for the city treasurer or other designated
34 22 financial officer of a city, by the city council; for the
34 23 county public hospital or merged area hospital, by the board
34 24 of hospital trustees; for a memorial hospital, by the memorial
34 25 hospital commission; for a school corporation, by the board
34 26 of school directors; for a city utility or combined utility
34 27 system established under chapter 388, by the utility board;
34 28 ~~for a library service area established under chapter 256,~~
~~34 29 by the library service area board of trustees;~~ and for an
34 30 electric power agency as defined in section 28F.2 or 390.9,
34 31 by the governing body of the electric power agency. However,
34 32 the treasurer of state and the treasurer of each political
34 33 subdivision or the designated financial officer of a city shall
34 34 invest all funds not needed for current operating expenses in
34 35 time certificates of deposit in approved depositories pursuant



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35 1 to this chapter or in investments permitted by section 12B.10.
35 2 The list of public depositories and the amounts severally
35 3 deposited in the depositories are matters of public record.
35 4 This subsection does not limit the definition of "public funds"
35 5 contained in subsection 2. Notwithstanding provisions of this
35 6 section to the contrary, public funds of a state government
35 7 deferred compensation plan established by the executive council
35 8 may also be invested in the investment products authorized
35 9 under section 509A.12.

35 10 Sec. 42. Section 218.22, Code 2011, is amended to read as
35 11 follows:

35 12 218.22 Record privileged.

35 13 Except with the consent of the administrator in charge
35 14 of an institution, or on an order of a court of record, the
35 15 record provided in section 218.21 shall be accessible only
35 16 to the administrator of the division of the department of
35 17 human services in control of such institution, the director
35 18 of the department of human services and to assistants and
35 19 proper clerks authorized by such administrator or the
35 20 administrator's director. The administrator of the division
35 21 of such institution is authorized to permit the division of
35 22 ~~libraries and information~~ library services of the department
35 23 of education and the historical division of the department of
35 24 cultural affairs to copy or reproduce by any photographic,
35 25 photostatic, microfilm, microcard or other process which
35 26 accurately reproduces a durable medium for reproducing the
35 27 original and to destroy in the manner described by law such
35 28 records of residents designated in section 218.21.

35 29 Sec. 43. Section 256.7, unnumbered paragraph 1, Code 2011,
35 30 is amended to read as follows:

35 31 Except for the college student aid commission, the
35 32 commission of libraries and division of library services, and
35 33 the public broadcasting board and division, the state board
35 34 shall:

35 35 Sec. 44. Section 256.7, subsection 17, Code 2011, is amended



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36 1 to read as follows:

36 2 17. Receive and review the budget and unified plan of
36 3 service submitted by the division of ~~libraries and information~~
~~36 4 library services.~~

36 5 Sec. 45. Section 256.9, unnumbered paragraph 1, Code 2011,
36 6 is amended to read as follows:

36 7 Except for the college student aid commission, the
36 8 commission of libraries and division of library services, and
36 9 the public broadcasting board and division, the director shall:

36 10 Sec. 46. Section 256.50, subsection 2, Code 2011, is amended
36 11 to read as follows:

36 12 2. "Division" means the division of ~~libraries and~~
~~36 13 information~~ library services of the department of education.

36 14 Sec. 47. Section 256.51, subsection 1, unnumbered paragraph
36 15 1, Code 2011, is amended to read as follows:

36 16 The division of ~~libraries and information~~ library services
36 17 is established within attached to the department of education
36 18 for administrative purposes. The state librarian shall be
36 19 responsible for the division's budgeting and related management
36 20 functions in accordance section 256.52, subsection 3. The

36 21 division shall do all of the following:

36 22 Sec. 48. Section 256.51, subsection 1, Code 2011, is amended
36 23 by adding the following new paragraphs:

36 24 NEW PARAGRAPH. 0a. Provide support services to libraries,
36 25 including but not limited to consulting, continuing education,
36 26 interlibrary loan services, and references services to assure
36 27 consistency of service statewide and to encourage local
36 28 financial support for library services.

36 29 NEW PARAGRAPH. 1. Allow a public library that receives
36 30 state assistance under section 256.57, or financial support
36 31 from a city or county pursuant to section 256.69, to dispose
36 32 of, through sale, conveyance, or exchange, any library
36 33 materials that may be obsolete or worn out or that may no
36 34 longer be needed or appropriate to the mission of the public
36 35 library. These materials may be sold by the public library



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37 1 directly or the governing body of the public library may
37 2 sell the materials by consignment to a public agency or to
37 3 a private agency organized to raise funds solely for support
37 4 of the public library. Proceeds from the sale of the library
37 5 materials may be remitted to the public library and may be
37 6 used by the public library for the purchase of books and other
37 7 library materials or equipment, or for the provision of library
37 8 services.

37 9 Sec. 49. Section 256.51, subsection 1, paragraph d, Code
37 10 2011, is amended to read as follows:

37 11 d. Develop, in consultation with the ~~library service areas~~
~~37 12 and the area education agency media centers, a biennial unified~~
37 13 plan of service and service delivery for the division of
37 14 ~~libraries and information~~ library services.

37 15 Sec. 50. Section 256.51, subsection 1, paragraph j, Code
37 16 2011, is amended to read as follows:

37 17 j. Establish and administer standards for state agency
37 18 libraries, ~~the library service areas,~~ and public libraries.

37 19 Sec. 51. Section 256.51, subsection 1, paragraph k, Code
37 20 2011, is amended by striking the paragraph.

37 21 Sec. 52. Section 256.51, subsection 2, paragraph c, Code
37 22 2011, is amended to read as follows:

37 23 c. Accept gifts, contributions, bequests, endowments,
37 24 or other moneys, including but not limited to the Westgate
37 25 endowment fund, for any or all purposes of the division.
37 26 Interest earned on moneys accepted under this paragraph
37 27 shall be credited to the fund or funds to which the gifts,
37 28 contributions, bequests, endowments, or other moneys have been
37 29 deposited, and is available for any or all purposes of the
37 30 division. The division shall report annually to the ~~director~~
~~37 31 commission~~ and the general assembly regarding the gifts,
37 32 contributions, bequests, endowments, or other moneys accepted
37 33 pursuant to this paragraph and the interest earned on them.

37 34 Sec. 53. Section 256.52, subsection 1, Code 2011, is amended
37 35 to read as follows:



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38 1 1. a. The state commission of libraries consists of one
38 2 member appointed by the supreme court, the director of the
38 3 department of education, or the director's designee, and ~~six~~
~~38 4 the following seven members who shall be appointed by the~~
38 5 governor to serve four-year terms beginning and ending as
38 6 provided in section 69.19. ~~The governor's appointees shall~~
38 7 (1) Two members shall be employed in the state as public
38 8 librarians.
38 9 (2) One member shall be a public library trustee.
38 10 (3) One member shall be employed in this state as an
38 11 academic librarian.
38 12 (4) One member shall be employed as a librarian by a school
38 13 district or area education agency.
38 14 (5) Two members shall be selected at large.
38 15 b. The members shall be reimbursed for their actual
38 16 expenditures necessitated by their official duties. Members
38 17 may also be eligible for compensation as provided in section
38 18 7E.6.
38 19 Sec. 54. Section 256.52, subsection 3, paragraph b,
38 20 subparagraphs (1) and (4), Code 2011, are amended to read as
38 21 follows:
38 22 (1) ~~Direct and organize the activities of~~ Organize, staff,
38 23 and administer the division so as to render the greatest
38 24 benefit to libraries in the state.
38 25 (4) Appoint and approve the technical, professional,
38 26 ~~excepting the law librarian,~~ secretarial, and clerical staff
38 27 necessary to accomplish the purposes of the division subject
38 28 to chapter 8A, subchapter IV.
38 29 Sec. 55. Section 256.52, subsection 3, paragraph b, Code
38 30 2011, is amended by adding the following new subparagraph:
38 31 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding
38 32 obligations of the library service areas and be liable for
38 33 and recognize, assume, and carry out all valid contracts and
38 34 obligations of the library service areas that are consolidated
38 35 under the commission and administered by the division effective



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39 1 beginning July 1, 2011. Each library service area shall
39 2 transfer, prior to July 1, 2011, its state=funded assets and
39 3 title to any state=funded real estate owned by the library
39 4 service area to the state librarian.
39 5 (b) This subparagraph is repealed July 1, 2015.
39 6 Sec. 56. Section 256.52, subsection 5, Code 2011, is amended
39 7 to read as follows:
39 8 5. The commission shall receive and approve the budget and
39 9 unified plan of service submitted by the division ~~of libraries~~
~~39 10 and information services.~~
39 11 Sec. 57. Section 256.54, subsection 1, Code 2011, is amended
39 12 to read as follows:
39 13 1. The state library includes but is not limited to ~~a law~~
~~39 14 library~~ the library support network, the specialized library
39 15 services unit, and the state data center. The law library
39 16 shall be under the direction of the specialized library
39 17 services unit.
39 18 Sec. 58. Section 256.54, subsection 2, unnumbered paragraph
39 19 1, Code 2011, is amended to read as follows:
39 20 The law library shall be administered by a law librarian
39 21 appointed by the ~~director~~ state librarian subject to chapter
39 22 8A, subchapter IV, who shall do all of the following:
39 23 Sec. 59. Section 256.55, unnumbered paragraph 1, Code 2011,
39 24 is amended to read as follows:
39 25 A state data center is established in the ~~department~~
~~39 26 of education division.~~ The state data center shall be
39 27 administered by the state data center coordinator, who shall
39 28 do all of the following:
39 29 Sec. 60. NEW SECTION. 256.58 Library support network.
39 30 1. A library support network is established in the division
39 31 to offer services and programs for libraries, including but not
39 32 limited to individualized, locally delivered consulting and
39 33 training, and to facilitate resource sharing and innovation
39 34 through the use of technology, administer enrich Iowa programs,
39 35 advocate for libraries, promote excellence and innovation



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40 1 in library services, encourage governmental subdivisions to
40 2 provide local financial support for local libraries, and ensure
40 3 the consistent availability of quality service to all libraries
40 4 throughout the state, regardless of location or size.

40 5 2. The organizational structure to deliver library support
40 6 network services shall include district offices. The district
40 7 offices shall serve as a basis for providing field services
40 8 to local libraries in the counties comprising the district.
40 9 The division shall determine which counties are served by each
40 10 district office.

40 11 Sec. 61. NEW SECTION. 256.59 Specialized library services.

40 12 The specialized library services unit is established in the
40 13 division to provide information services to the three branches
40 14 of state government and to offer focused information services
40 15 to the general public in the areas of Iowa law, Iowa state
40 16 documents, and Iowa history and culture.

40 17 Sec. 62. NEW SECTION. 256.62 Library services advisory
40 18 panel.

40 19 1. The state librarian shall convene a library services
40 20 advisory panel to advise and recommend to the commission and
40 21 the division evidence-based best practices, to assist the
40 22 commission and division to determine service priorities and
40 23 launch programs, articulate the needs and interests of Iowa
40 24 librarians, and share research and professional development
40 25 information.

40 26 2. The library services advisory panel shall consist of no
40 27 fewer than eleven members representing libraries of all sizes
40 28 and types, and various population levels and geographic regions
40 29 of the state. A simple majority of the members appointed
40 30 shall be appointed by the executive board of the Iowa library
40 31 association and the remaining members shall be appointed by
40 32 the state librarian. Terms of members shall begin and end
40 33 as provided in section 69.19. Any vacancy shall be filled
40 34 in the same manner as regular appointments are made for the
40 35 unexpired portion of the regular term. Members shall serve



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41 1 four=year terms which are staggered at the discretion of the
41 2 state librarian. A member is eligible for reappointment for
41 3 three successive terms. The members shall elect a chairperson
41 4 annually.

41 5 3. The library services advisory panel shall meet at least
41 6 twice annually and shall submit its recommendations in a
41 7 report to the commission and the state librarian at least once
41 8 annually. The report shall be timely submitted to allow for
41 9 consideration of the recommendations prior to program planning
41 10 and budgeting for the following fiscal year.

41 11 4. Members of the library services advisory panel shall
41 12 receive actual and necessary expenses incurred in the
41 13 performance of their duties. Expenses shall be paid from funds
41 14 appropriated to the department for purposes of the division.

41 15 Sec. 63. Section 256.70, unnumbered paragraph 1, Code 2011,
41 16 is amended to read as follows:

41 17 The division of ~~libraries and information~~ library services
41 18 of the department of education is hereby authorized to enter
41 19 into interstate library compacts on behalf of the state of Iowa
41 20 with any state bordering on Iowa which legally joins therein
41 21 in substantially the following form and the contracting states
41 22 agree that:

41 23 Sec. 64. Section 256.71, Code 2011, is amended to read as
41 24 follows:

41 25 256.71 Administrator.

41 26 The administrator of the division of ~~libraries and~~
41 27 ~~information~~ library services shall be the compact
41 28 administrator. The compact administrator shall receive copies
41 29 of all agreements entered into by the state or its political
41 30 subdivisions and other states or political subdivisions;
41 31 consult with, advise and aid such governmental units in the
41 32 formulation of such agreements; make such recommendations to
41 33 the governor, legislature, governmental agencies and units as
41 34 the administrator deems desirable to effectuate the purposes
41 35 of this compact and consult and ~~co-operate~~ cooperate with the



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42 1 compact administrators of other party states.
42 2 Sec. 65. Section 273.2, subsection 4, Code 2011, is amended
42 3 to read as follows:
42 4 4. The area education agency board shall provide for special
42 5 education services and media services for the local school
42 6 districts in the area and shall encourage and assist school
42 7 districts in the area to establish programs for gifted and
42 8 talented children. The board shall assist in facilitating
42 9 interlibrary loans of materials between school districts and
42 10 other libraries. ~~Each area education agency shall include~~
~~42 11 as a member of its media center advisory committee a library~~
~~42 12 service area trustee or library service area staff member, who~~
~~42 13 is appointed to the committee by the commission of libraries.~~
42 14 Sec. 66. Section 669.2, subsection 5, Code 2011, is amended
42 15 to read as follows:
42 16 5. "State agency" includes all executive departments,
42 17 agencies, boards, bureaus, and commissions of the state of
42 18 Iowa, and corporations whose primary function is to act as, and
42 19 while acting as, instrumentalities or agencies of the state of
42 20 Iowa, whether or not authorized to sue and be sued in their
42 21 own names. This definition does not include a contractor with
42 22 the state of Iowa. Soil and water conservation districts
42 23 as defined in section 161A.3, subsection 6, and judicial
42 24 district departments of correctional services as established in
42 25 section 905.2, ~~and library service area boards of trustees as~~
~~42 26 established in chapter 256~~ are state agencies for purposes of
42 27 this chapter.
42 28 Sec. 67. Section 904.601, unnumbered paragraph 1, Code
42 29 2011, is amended to read as follows:
42 30 The director shall keep the following record of every person
42 31 committed to any of the department's institutions: Name,
42 32 residence, sex, age, place of birth, occupation, civil
42 33 condition, date of entrance or commitment, date of discharge,
42 34 whether a discharge is final, condition of the person when
42 35 discharged, the name of the institutions from which and to



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43 1 which the person has been transferred, and if the person is
43 2 dead, the date and cause of death. The director may permit
43 3 the division of ~~libraries and information~~ library services of
43 4 the department of education and the historical division of
43 5 the department of cultural affairs to copy or reproduce by
43 6 any photographic, photostatic, microfilm, microcard, or other
43 7 process which accurately reproduces in a durable medium and to
43 8 destroy in the manner described by law the records of inmates
43 9 required by this paragraph.

43 10 Sec. 68. REPEAL. Sections 256.60, 256.61, 256.66 through
43 11 256.68, Code 2011, are repealed.

43 12 Sec. 69. TRANSITION PROVISION. A governor's appointee
43 13 serving on the state commission of libraries on the effective
43 14 date of this Act shall continue to serve as a member of the
43 15 commission until the appointee's term expires.

43 16 Sec. 70. LIBRARY SERVICE AREA EMPLOYEES ==== LENGTH OF SERVICE
43 17 ==== TRANSFER OF PERSONNEL RECORDS.

43 18 1. The length of service of a permanent employee of a
43 19 library service area who is employed by a library service area
43 20 on June 30, 2011, and who is hired by the division of library
43 21 services on or after July 1, 2011, shall be prorated and
43 22 credited as state employment service for purposes of vacation
43 23 and sick leave accrual.

43 24 2. The area administrator of each library service area
43 25 shall submit to the division of library services the personnel
43 26 records of each permanent full-time employee of the library
43 27 service area by July 1, 2011.

43 28 Sec. 71. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
43 29 APPLICABILITY. The section of this division of this Act
43 30 enacting section 256.52, subsection 3, paragraph "b",
43 31 subparagraph (4A), being deemed of immediate importance, takes
43 32 effect upon enactment, and if approved by the governor on or
43 33 after July 1, 2011, shall apply retroactively to June 30, 2011.

43 34 DIVISION III

43 35 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM



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44 1 Sec. 72. Section 260C.18A, subsection 2, Code 2011, is
44 2 amended by adding the following new paragraphs:
44 3 NEW PARAGRAPH. g. Development and implementation of
44 4 pathways for academic career and employment programs under
44 5 chapter 260H.
44 6 NEW PARAGRAPH. h. Development and implementation of
44 7 programs for the gap tuition assistance program under chapter
44 8 260I.
44 9 NEW PARAGRAPH. i. Entrepreneurial education, small business
44 10 assistance, and business incubators.
44 11 Sec. 73. NEW SECTION. 260H.1 Title.
44 12 This chapter shall be known and may be cited as the "Pathways
44 13 for Academic Career and Employment Act".
44 14 Sec. 74. NEW SECTION. 260H.2 Pathways for academic career
44 15 and employment program.
44 16 A pathways for academic career and employment program is
44 17 established to provide funding to community colleges for the
44 18 development of projects in coordination with the department
44 19 of economic development, the department of education, Iowa
44 20 workforce development, regional advisory boards established
44 21 pursuant to section 84A.4, and community partners to implement
44 22 a simplified, streamlined, and comprehensive process,
44 23 along with customized support services, to enable eligible
44 24 participants to acquire effective academic and employment
44 25 training to secure gainful, quality, in-state employment.
44 26 Sec. 75. NEW SECTION. 260H.3 Eligibility criteria.
44 27 1. Projects eligible for funding for the pathways for
44 28 academic career and employment program shall be projects that
44 29 further the ability of members of target populations to secure
44 30 gainful, quality employment. For the purposes of this chapter,
44 31 "target population" includes:
44 32 a. Persons deemed low skilled for the purposes of attaining
44 33 gainful, quality, in-state employment.
44 34 b. Persons earning incomes at or below two hundred percent
44 35 of the federal poverty level as defined by the most recently



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45 1 revised poverty income guidelines published by the United
45 2 States department of health and human services.
45 3 c. Unemployed persons.
45 4 d. Underemployed persons.
45 5 e. Dislocated workers, including workers eligible for
45 6 services and benefits under the federal Trade Adjustment Act of
45 7 2002, Pub. L. No. 107=210, as determined by the department of
45 8 workforce development and the federal internal revenue service.
45 9 2. Projects eligible for funding for the pathways for
45 10 academic career and employment program shall be projects that
45 11 further partnerships that link the community colleges to
45 12 industry and nonprofit organizations and projects that further
45 13 program outcomes as provided in section 260H.4.
45 14 Sec. 76. NEW SECTION. 260H.4 Program outcomes.
45 15 Projects eligible for funding for the pathways for academic
45 16 career and employment program shall be programs which further
45 17 the following program outcomes:
45 18 1. Enabling the target populations to:
45 19 a. Acquire and demonstrate competency in basic skills.
45 20 b. Acquire and demonstrate competency in a specified
45 21 technical field.
45 22 c. Complete a specified level of postsecondary education.
45 23 d. Earn a national career readiness certificate.
45 24 e. Obtain employer=validated credentials.
45 25 f. Secure gainful employment in high=quality, local jobs.
45 26 2. Satisfaction of economic and employment goals including
45 27 but not limited to:
45 28 a. Economic and workforce development requirements in each
45 29 region served by the community colleges as defined by regional
45 30 advisory boards established pursuant to section 84A.4.
45 31 b. Needs of industry partners in areas including but not
45 32 limited to:
45 33 (1) Information technology.
45 34 (2) Health care.
45 35 (3) Advanced manufacturing.



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46 1 (4) Transportation and logistics.
46 2 c. Any other industry designated as in=demand by a regional
46 3 advisory board established pursuant to section 84A.4.
46 4 Sec. 77. NEW SECTION. 260H.5 Program component
46 5 requirements.
46 6 Program components of a pathways for academic career and
46 7 employment project implemented at a community college shall:
46 8 1. Include measurable and effective recruitment,
46 9 assessment, and referral activities designed for the target
46 10 populations.
46 11 2. Integrate basics skills and work=readiness training with
46 12 occupational skills training.
46 13 3. Combine customized supportive and case management
46 14 services with training services to help participants overcome
46 15 barriers to employment.
46 16 4. Provide training services at times, locations, and
46 17 through multiple, flexible modalities that are easily
46 18 understood and readily accessible to the target populations.
46 19 Such modalities shall support timeless entry, individualized
46 20 learning, and flexible scheduling, and may include online
46 21 remediation, learning lab and cohort learning communities,
46 22 tutoring, and modularization.
46 23 Sec. 78. NEW SECTION. 260H.6 Pipeline program.
46 24 Each community college receiving funding for the pathways
46 25 for academic career and employment program shall develop
46 26 a pipeline program in order to better serve the academic,
46 27 training, and employment needs of the target populations. A
46 28 pipeline program shall have the following goals:
46 29 1. To strengthen partnerships with community=based
46 30 organizations and industry representatives.
46 31 2. To improve and simplify the identification, recruitment,
46 32 and assessment of qualified participants.
46 33 3. To conduct and manage an outreach, recruitment, and
46 34 intake process, along with accompanying support services,
46 35 reflecting sensitivity to the time and financial constraints



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47 1 and remediation needs of the target populations.
47 2 4. To conduct orientations for qualified participants
47 3 to describe regional labor market opportunities, employer
47 4 partners, and program requirements and expectations.
47 5 5. To describe the concepts of the project implemented with
47 6 funds from the pathways for academic career and employment
47 7 program and the embedded educational and support resources
47 8 available through such project.
47 9 6. To outline the basic skills participants will learn and
47 10 describe the credentials participants will earn.
47 11 7. To describe success milestones and ways in which temporal
47 12 and instructional barriers have been minimized or eliminated.
47 13 8. To review how individualized and customized service
47 14 strategies for participants will be developed and provided.
47 15 Sec. 79. NEW SECTION. 260H.7 Career pathways and bridge
47 16 curriculum development program.
47 17 Each community college receiving funding for the pathways
47 18 for academic career and employment program shall develop a
47 19 career pathways and bridge curriculum development program in
47 20 order to better serve the academic, training, and employment
47 21 needs of the target populations. A career pathways and bridge
47 22 curriculum development program shall have the following goals:
47 23 1. The articulation of courses and modules, the mapping of
47 24 programs within career pathways, and establishment of bridges
47 25 between credit and noncredit programs.
47 26 2. The integration and contextualization of basic skills
47 27 education and skills training. This process shall provide for
47 28 seamless progressions between adult basic education and general
47 29 education development programs and continuing education and
47 30 credit certificate, diploma, and degree programs.
47 31 3. The development of career pathways that support the
47 32 attainment of industry-recognized credentials, diplomas, and
47 33 degrees through stackable, modularized program delivery.
47 34 Sec. 80. NEW SECTION. 260H.8 Rules.
47 35 The department of education, in consultation with the



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48 1 community colleges, the department of economic development,
48 2 and Iowa workforce development, shall adopt rules pursuant to
48 3 chapter 17A and this chapter to implement the provisions of
48 4 this chapter. Regional advisory boards established pursuant
48 5 to section 84A.4 shall be consulted in the development and
48 6 implementation of rules to be adopted pursuant to this chapter.

48 7 Sec. 81. NEW SECTION. 260I.1 Title.

48 8 This chapter shall be known and may be cited as the "Gap
48 9 Tuition Assistance Act".

48 10 Sec. 82. NEW SECTION. 260I.2 Gap tuition assistance
48 11 program.

48 12 A gap tuition assistance program is established to provide
48 13 funding to community colleges for need-based tuition assistance
48 14 to applicants to enable completion of continuing education
48 15 certificate training programs for in-demand occupations.

48 16 Sec. 83. NEW SECTION. 260I.3 Applicants for tuition
48 17 assistance === eligibility criteria.

48 18 1. The department of education, in consultation with the
48 19 department of economic development, shall adopt rules pursuant
48 20 to this chapter defining eligibility criteria for persons
48 21 applying to receive tuition assistance under this chapter.

48 22 2. Eligibility for tuition assistance under this chapter
48 23 shall be based on financial need. Criteria to be assessed in
48 24 determining financial need shall include but is not limited to:

48 25 a. The applicant's family income for the twelve months prior
48 26 to the date of application.

48 27 b. The applicant's family size.

48 28 c. The applicant's county of residence.

48 29 3. a. An applicant for tuition assistance under this
48 30 chapter must have a demonstrated capacity to achieve the
48 31 following outcomes:

48 32 (1) The ability to complete an eligible certificate
48 33 program.

48 34 (2) The ability to enter a postsecondary certificate,
48 35 diploma, or degree program for credit.



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49 1 (3) The ability to gain full-time employment.
49 2 (4) The ability to maintain full-time employment over time.
49 3 b. The community college receiving the application shall
49 4 only approve an applicant for tuition assistance under this
49 5 chapter if the community college determines the applicant
49 6 has a strong likelihood of achieving the outcomes described
49 7 in paragraph "a" after considering factors including but not
49 8 limited to:
49 9 (1) Barriers that may prevent an applicant from completing
49 10 the certificate program.
49 11 (2) Barriers that may prevent an applicant from gaining
49 12 employment in an in-demand occupation.
49 13 4. Applicants may be found eligible for partial or total
49 14 tuition assistance.
49 15 5. Tuition assistance shall not be approved when the
49 16 community college receiving the application determines that
49 17 funding for an applicant's participation in an eligible
49 18 certificate program is available from any other public or
49 19 private funding source.
49 20 Sec. 84. NEW SECTION. 260I.4 Applicants for tuition
49 21 assistance ==== additional provisions.
49 22 1. An applicant for tuition assistance under this
49 23 chapter shall provide to the community college receiving the
49 24 application documentation of all sources of income.
49 25 2. Only an applicant eligible to work in the United States
49 26 shall be approved for tuition assistance under this chapter.
49 27 3. An application shall be valid for six months from the
49 28 date of signature on the application.
49 29 4. A person shall not be approved for tuition assistance
49 30 under this chapter for more than one eligible certificate
49 31 program.
49 32 5. Eligibility for tuition assistance under this chapter
49 33 shall not be construed to guarantee enrollment in any community
49 34 college certificate program.
49 35 6. Eligibility for tuition assistance under this chapter



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50 1 shall be limited to persons earning incomes at or below two
50 2 hundred percent of the federal poverty level as defined by the
50 3 most recently revised poverty income guidelines published by
50 4 the United States department of health and human services.
50 5 Sec. 85. NEW SECTION. 260I.5 Eligible costs.
50 6 Costs of a certificate program eligible for coverage by
50 7 tuition assistance shall include but are not limited to:
50 8 1. Tuition.
50 9 2. Direct training costs.
50 10 3. Required books and equipment.
50 11 4. Fees including but not limited to fees for industry
50 12 testing services and background check testing services.
50 13 Sec. 86. NEW SECTION. 260I.6 Eligible certificate programs.
50 14 For the purposes of this chapter, "eligible certificate
50 15 program" means a program meeting all of the following criteria:
50 16 1. The program is not offered for credit, but is aligned
50 17 with a certificate, diploma, or degree for credit, and does any
50 18 of the following:
50 19 a. Offers a state, national, or locally recognized
50 20 certificate.
50 21 b. Offers preparation for a professional examination or
50 22 licensure.
50 23 c. Provides endorsement for an existing credential or
50 24 license.
50 25 d. Represents recognized skill standards defined by an
50 26 industrial sector.
50 27 e. Offers a similar credential or training.
50 28 2. The program offers training or a credential in an
50 29 in=demand occupation. For the purposes of this chapter,
50 30 "in=demand occupation" includes occupations in the following
50 31 industries:
50 32 a. Information technology.
50 33 b. Health care.
50 34 c. Advanced manufacturing.
50 35 d. Transportation and logistics.



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51 1 e. Any other industry designated as in-demand by a regional
51 2 advisory board established pursuant to section 84A.4.

51 3 Sec. 87. NEW SECTION. 260I.7 Initial assessment.

51 4 An applicant for tuition assistance under this chapter shall
51 5 complete an initial assessment administered by the community
51 6 college receiving the application to determine the applicant's
51 7 readiness to complete an eligible certificate program. The
51 8 assessment shall include assessments for completion of a
51 9 national career readiness certificate, including the areas of
51 10 reading for information, applied mathematics, and locating
51 11 information. An applicant must achieve a bronze-level
51 12 certificate or the minimum score required for an eligible
51 13 certificate program, whichever is higher, in order to be
51 14 approved for tuition assistance. An applicant shall complete
51 15 any additional assessments and occupational research required
51 16 by an eligible certificate program.

51 17 Sec. 88. NEW SECTION. 260I.8 Program interview.

51 18 An applicant for tuition assistance under this chapter shall
51 19 meet with a member of the staff for an eligible certificate
51 20 program offered by the community college receiving the
51 21 application. The staff member shall discuss the relevant
51 22 industry, any applicable occupational research, and any
51 23 applicable training relating to the eligible certificate
51 24 program. The discussion shall include an evaluation of
51 25 the applicant's capabilities, needs, family situation, work
51 26 history, educational background, attitude and motivation,
51 27 employment skills, vocational potential, and employment
51 28 barriers. The discussion shall also include potential start
51 29 dates, support needs, and other requirements for an eligible
51 30 certificate program.

51 31 Sec. 89. NEW SECTION. 260I.9 Participation requirements.

51 32 1. A participant in an eligible certificate program who
51 33 receives tuition assistance pursuant to this chapter shall do
51 34 all of the following:

51 35 a. Maintain regular contact with staff members for the



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52 1 certificate program to document the applicant's progress in the
52 2 program.

52 3 b. Sign a release form to provide relevant information to
52 4 community college faculty or case managers.

52 5 c. Discuss with staff members for the certificate program
52 6 any issues that may impact the participant's ability to
52 7 complete the certificate program, obtain employment, and
52 8 maintain employment over time.

52 9 d. Attend all required courses regularly.

52 10 e. Meet with staff members for the certificate program to
52 11 develop a job search plan.

52 12 2. A community college may terminate tuition assistance
52 13 for a participant who fails to meet the requirements of this
52 14 section.

52 15 Sec. 90. NEW SECTION. 260I.10 Oversight.

52 16 1. The department of education, in coordination with the
52 17 community colleges, shall establish a steering committee. The
52 18 steering committee shall determine if the performance measures
52 19 of the gap tuition assistance program are being met and shall
52 20 take necessary steps to correct any deficiencies. The steering
52 21 committee shall meet at least quarterly to evaluate and monitor
52 22 the performance of the gap tuition assistance program.

52 23 2. The department of education, in coordination with the
52 24 community colleges, shall develop a common intake tracking
52 25 system that shall be implemented consistently by each
52 26 participating community college.

52 27 3. The department of education shall coordinate statewide
52 28 oversight, evaluation, and reporting efforts for the gap
52 29 tuition assistance program.

52 30 Sec. 91. NEW SECTION. 260I.11 Rules.

52 31 The department of education, in consultation with the
52 32 department of economic development and the community colleges,
52 33 shall adopt rules pursuant to chapter 17A and this chapter to
52 34 implement the provisions of this chapter.

52 35 DIVISION IV



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53 1 ORGANIZATIONS REPRESENTING SCHOOL BOARDS,
53 2 MEMBERS, AND ADMINISTRATORS
53 3 Sec. 92. Section 279.38, Code 2011, is amended by striking
53 4 the section and inserting in lieu thereof the following:
53 5 279.38 Membership in organizations ==== requirements.
53 6 1. As used in this section:
53 7 a. "Compensation" means the same as defined in section 8F.2,
53 8 subsection 2.
53 9 b. "Organization" means a local, state, regional, or
53 10 national organization which relates to the functions of
53 11 the board of directors of a school district or to the
53 12 administrators of a school district and to which a school board
53 13 pays monetary fees for products or services or annual dues in
53 14 accordance with subsection 2. "Organization" includes a related
53 15 for=profit or not=for=profit subsidiary of an organization.
53 16 2. a. The board of directors of a school district, the
53 17 duly elected members of the school board, and designated
53 18 administrators of school districts may join or participate in
53 19 organizations, including but not limited to organizations such
53 20 as the Iowa association of school boards, the urban education
53 21 network, Iowa school finance information services, and the
53 22 school administrators of Iowa. The school board may pay out
53 23 of funds available to the school board reasonable monetary
53 24 fees for products or services or annual dues for membership of
53 25 the school board, or a board member or administrator, in such
53 26 an organization. Such an organization that receives fees or
53 27 dues for membership from a school board shall be considered a
53 28 taxpayer=funded organization.
53 29 b. Each school board that pays monetary fees or annual dues
53 30 to an organization shall annually report to the local community
53 31 and to the department of education the amount paid in annual
53 32 dues, fees, or assessments for products or services received
53 33 from the organization, and the total amount of any revenue
53 34 or dividend payments received from the organization. The
53 35 information shall be submitted to the department electronically



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54 1 in the format specified by the department.
54 2 3. The financial condition and transactions of an
54 3 organization shall be audited as provided in section 11.6.
54 4 The organization shall establish an audit committee to review
54 5 the financial condition and transactions of the organization
54 6 and the report of examination conducted in accordance with
54 7 this subsection. The auditor conducting an examination in
54 8 accordance with this subsection shall have full access to the
54 9 audit committee and to all of the organization's records,
54 10 reports, audits, tax reports, and all other documents and
54 11 papers issued or maintained by the organization.
54 12 4. An organization shall do all of the following:
54 13 a. Publish annually on its internet site, and in a report
54 14 submitted annually to the department of education, the standing
54 15 committees on government oversight, and the general assembly,
54 16 all of the following:
54 17 (1) A listing of the school districts that pay fees or dues
54 18 for membership in the organization and the moneys paid by each
54 19 school district.
54 20 (2) The total revenue the organization receives from each
54 21 school district resulting from the payment of monetary fees or
54 22 annual dues, and the total net profit from the sale of products
54 23 and services to the school district by the organization.
54 24 (3) An accounting, broken down by individual employee,
54 25 of the total amount of moneys expended for reimbursement of
54 26 expenses incurred by and compensation paid to each of the ten
54 27 highest paid employees of the organization as evidenced by the
54 28 tax forms submitted by the organization to the internal revenue
54 29 service.
54 30 (4) An accounting of all moneys expended for reimbursement
54 31 of expenses incurred by and compensation paid to all
54 32 legislative representatives and lobbyists of the organization.
54 33 b. Submit to the general assembly and the standing committee
54 34 on government oversight copies of all reports the organization
54 35 provides to the United States department of education relating



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55 1 to federal grants and grant amounts that the organization
55 2 administers or distributes to school districts.
55 3 c. Provide education and training to the organization's
55 4 board members in the fiduciary duties and legal
55 5 responsibilities of members.
55 6 5. An organization shall not pay an employee or officer
55 7 of the organization, a member of the organization's governing
55 8 board, or a legislative representative or lobbyist for the
55 9 organization, a bonus or other consideration of any type which
55 10 is in addition to compensation paid and published and reported
55 11 as required by subsection 4. In addition, the organization
55 12 shall not allow any other entity to pay an employee or
55 13 officer of the organization, a member of the organization's
55 14 governing board, or a legislative representative or lobbyist
55 15 for the organization for services performed on behalf of the
55 16 organization. However, the organization may pay an employee
55 17 a commission if the terms for paying the commission are in
55 18 writing under an agreement which is a public document and the
55 19 employee's compensation, which shall list the amount of the
55 20 commission, is published and reported in the same manner as
55 21 provided in subsection 4.
55 22 6. a. A person who serves as the head of an organization
55 23 or otherwise serves in a supervisory capacity within the
55 24 organization shall not require an employee of the organization
55 25 to inform the person that the employee made a disclosure
55 26 of information permitted by this subsection and shall not
55 27 prohibit an employee of the organization from disclosing any
55 28 information to a member of the governing board or to any
55 29 public official, a law enforcement agency, a state agency, the
55 30 auditor of state or an auditor conducting an examination of
55 31 the organization in accordance with section 11.6, the office
55 32 of the attorney general, the office of citizens' aide, or to a
55 33 committee of the general assembly if the employee reasonably
55 34 believes the information evidences a violation of law or rule,
55 35 mismanagement, a gross abuse of funds, an abuse of authority,



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56 1 or a substantial and specific danger to public health or
56 2 safety. However, an employee may be required to inform the
56 3 person that the employee made a disclosure of information
56 4 permitted by this subsection if the employee represented that
56 5 the disclosure was the official position of the employee's
56 6 immediate supervisor or employer.

56 7 b. A person shall not discharge an employee from or take
56 8 or fail to take action regarding an employee's appointment or
56 9 proposed appointment to, promotion or proposed promotion to,
56 10 or any advantage in, a position administered by, or subject
56 11 to approval of, the person or the organization's governing
56 12 board as a reprisal for a failure by that employee to inform
56 13 the person that the employee made a disclosure of information
56 14 permitted by this subsection, or for a disclosure of any
56 15 information by that employee authorized under paragraph "a"
56 16 if the employee reasonably believes the information evidences
56 17 a violation of law or rule, mismanagement, a gross abuse of
56 18 funds, an abuse of authority, or a substantial and specific
56 19 danger to public health or safety. However, an employee may
56 20 be required to inform the person that the employee made a
56 21 disclosure of information permitted by this subsection if the
56 22 employee represented that the disclosure was the official
56 23 position of the employee's immediate supervisor or employer.

56 24 c. Paragraphs "a" and "b" do not apply if the disclosure of
56 25 the information is prohibited by statute.

56 26 d. A person who violates paragraph "a" or "b" commits a
56 27 simple misdemeanor.

56 28 e. Paragraph "b" may be enforced through a civil action.

56 29 (1) A person who violates paragraph "b" is liable to
56 30 an aggrieved employee for affirmative relief including
56 31 reinstatement, with or without back pay, or any other equitable
56 32 relief the court deems appropriate, including attorney fees and
56 33 costs.

56 34 (2) When a person commits, is committing, or proposes to
56 35 commit an act in violation of paragraph "b", an injunction may



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57 1 be granted through an action in district court to prohibit the
57 2 person from continuing such acts. The action for injunctive
57 3 relief may be brought by an aggrieved employee or the attorney
57 4 general.

57 5 f. A person shall not discharge an employee from or take
57 6 or fail to take action regarding an employee's appointment or
57 7 proposed appointment to, promotion or proposed promotion to,
57 8 or any advantage in, a position administered by, or subject
57 9 to approval of, the person or the organization's governing
57 10 board as a reprisal for the employee's declining to participate
57 11 in contributions or donations to charities or community
57 12 organizations.

57 13 g. The person and the organization's governing board
57 14 shall provide procedures for notifying the organization's
57 15 new employees of the provisions of this subsection and shall
57 16 periodically conduct promotional campaigns to provide similar
57 17 information to the organization's employees. The information
57 18 shall include the toll-free telephone number of the citizens'
57 19 aide.

57 20 7. a. Except as otherwise provided in paragraph "b", all
57 21 meetings of the governing board of the organization shall
57 22 comply with the requirements of chapter 21 and all records of
57 23 the governing board and the organization shall be maintained
57 24 in accordance with chapter 22.

57 25 b. The governing board of the organization may keep the
57 26 following records confidential and the governing board may hold
57 27 a closed session meeting to discuss the following matters:

57 28 (1) Personal information in confidential personnel records
57 29 maintained by the governing board of the organization and
57 30 required or authorized to be kept confidential by law.

57 31 (2) Discussions with, or the work product of, an attorney of
57 32 the governing board of the organization required or authorized
57 33 to be kept confidential by law.

57 34 (3) Pricing, product, service, business strategy, or
57 35 marketing information which if released, would give an



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58 1 advantage to competitors, vendors, or other parties and that
58 2 serve no public purpose.

58 3 Sec. 93. REPEAL. Section 279.38A, Code 2011, is repealed.

58 4 Sec. 94. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
58 5 APPLICABILITY. This division of this Act, being deemed of
58 6 immediate importance, takes effect upon enactment, and if
58 7 approved by the governor on or after July 1, 2011, shall apply
58 8 retroactively to June 30, 2011.

58 9 DIVISION V
58 10 FY 2012=2013

58 11 DEPARTMENT FOR THE BLIND

58 12 Sec. 95. ADMINISTRATION. There is appropriated from the
58 13 general fund of the state to the department for the blind for
58 14 the fiscal year beginning July 1, 2012, and ending June 30,
58 15 2013, the following amount, or so much thereof as is necessary,
58 16 to be used for the purposes designated:

58 17 1. For salaries, support, maintenance, miscellaneous
58 18 purposes, and for not more than the following full-time
58 19 equivalent positions:

58 20 \$ 845,908
58 21 FTEs 88.00

58 22 2. For costs associated with universal access to audio
58 23 information over the phone on demand for blind and print
58 24 handicapped Iowans:

58 25 \$ 25,000

58 26 COLLEGE STUDENT AID COMMISSION

58 27 Sec. 96. There is appropriated from the general fund of the
58 28 state to the college student aid commission for the fiscal year
58 29 beginning July 1, 2012, and ending June 30, 2013, the following
58 30 amounts, or so much thereof as may be necessary, to be used for
58 31 the purposes designated:

58 32 1. GENERAL ADMINISTRATION

58 33 For salaries, support, maintenance, miscellaneous purposes,
58 34 and for not more than the following full-time equivalent
58 35 positions:



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59	1	\$	116,471
59	2 FTEs		3.95
59	3	2. STUDENT AID PROGRAMS		
59	4	For payments to students for the Iowa grant program		
59	5	established in section 261.93:		
59	6	.....	\$	395,588
59	7	3. DES MOINES UNIVERSITY ==== HEALTH CARE PROFESSIONAL		
59	8	RECRUITMENT PROGRAM		
59	9	For forgivable loans to Iowa students attending Des Moines		
59	10	university ==== osteopathic medical center under the forgivable		
59	11	loan program pursuant to section 261.19:		
59	12	.....	\$	162,987
59	13	4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM		
59	14	For purposes of providing national guard educational		
59	15	assistance under the program established in section 261.86:		
59	16	.....	\$	1,593,117
59	17	5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM		
59	18	For the teacher shortage loan forgiveness program		
59	19	established in section 261.112:		
59	20	.....	\$	196,226
59	21	6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM		
59	22	For purposes of the all Iowa opportunity foster care grant		
59	23	program established pursuant to section 261.6:		
59	24	.....	\$	277,028
59	25	7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM		
59	26	a. For purposes of the all Iowa opportunity scholarship		
59	27	program established pursuant to section 261.87:		
59	28	.....	\$	1,120,427
59	29	b. If the moneys appropriated by the general assembly to the		
59	30	college student aid commission for fiscal year 2012=2013 for		
59	31	purposes of the all Iowa opportunity scholarship program exceed		
59	32	\$500,000, "eligible institution" as defined in section 261.87,		
59	33	shall, during fiscal year 2012=2013, include accredited private		
59	34	institutions as defined in section 261.9, subsection 1.		
59	35	8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS		



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60 1 PROGRAM
60 2 a. For purposes of the registered nurse and nurse educator
60 3 loan forgiveness program established pursuant to section
60 4 261.23:
60 5 \$ 40,426
60 6 b. It is the intent of the general assembly that the
60 7 commission continue to consider moneys allocated pursuant to
60 8 this subsection as moneys that meet the state matching funds
60 9 requirements of the federal leveraging educational assistance
60 10 program and the federal supplemental leveraging educational
60 11 assistance program established under the Higher Education Act
60 12 of 1965, as amended.
60 13 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT
60 14 PROGRAM
60 15 For purposes of the barber and cosmetology arts and sciences
60 16 tuition grant program established pursuant to section 261.18:
60 17 \$ 18,469
60 18 Sec. 97. IOWA TUITION AND VOCATIONAL=TECHNICAL TUITION
60 19 GRANT APPROPRIATIONS FOR FY 2012=2013. Notwithstanding the
60 20 standing appropriations in the following designated sections
60 21 for the fiscal year beginning July 1, 2012, and ending June 30,
60 22 2013, the amounts appropriated from the general fund of the
60 23 state to the college student aid commission pursuant to these
60 24 sections for the following designated purposes shall not exceed
60 25 the following amounts:
60 26 1. For Iowa tuition grants under section 261.25, subsection
60 27 1:
60 28 \$ 21,176,343
60 29 2. For tuition grants for students attending for-profit
60 30 accredited private institutions located in Iowa under section
60 31 261.25, subsection 2:
60 32 \$ 2,212,622
60 33 3. For vocational=technical tuition grants under section
60 34 261.25, subsection 3:
60 35 \$ 1,125,093



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61 1 Sec. 98. CHIROPRACTIC LOAN FUNDS. Notwithstanding
61 2 section 261.72, the moneys deposited in the chiropractic loan
61 3 revolving fund created pursuant to section 261.72 may be used
61 4 for purposes of the chiropractic loan forgiveness program
61 5 established in section 261.73.
61 6 Sec. 99. WORK=STUDY APPROPRIATION FOR FY
61 7 2012=2013. Notwithstanding section 261.85, for the fiscal year
61 8 beginning July 1, 2012, and ending June 30, 2013, the amount
61 9 appropriated from the general fund of the state to the college
61 10 student aid commission for the work=study program under section
61 11 261.85 shall be zero.
61 12 DEPARTMENT OF EDUCATION
61 13 Sec. 100. There is appropriated from the general fund of
61 14 the state to the department of education for the fiscal year
61 15 beginning July 1, 2012, and ending June 30, 2013, the following
61 16 amounts, or so much thereof as may be necessary, to be used for
61 17 the purposes designated:
61 18 1. GENERAL ADMINISTRATION
61 19 For salaries, support, maintenance, miscellaneous purposes,
61 20 and for not more than the following full=time equivalent
61 21 positions:
61 22 \$ 2,956,906
61 23 FTEs 81.67
61 24 2. VOCATIONAL EDUCATION ADMINISTRATION
61 25 For salaries, support, maintenance, miscellaneous purposes,
61 26 and for not more than the following full=time equivalent
61 27 positions:
61 28 \$ 224,638
61 29 FTEs 11.50
61 30 3. VOCATIONAL REHABILITATION SERVICES DIVISION
61 31 a. For salaries, support, maintenance, miscellaneous
61 32 purposes, and for not more than the following full=time
61 33 equivalent positions:
61 34 \$ 2,481,584
61 35 FTEs 255.00



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62 1 b. For matching funds for programs to enable persons
62 2 with severe physical or mental disabilities to function more
62 3 independently, including salaries and support, and for not more
62 4 than the following full-time equivalent position:
62 5 \$ 19,564
62 6 FTEs 1.00
62 7 c. For the entrepreneurs with disabilities program
62 8 established pursuant to section 259.4, subsection 9:
62 9 \$ 72,768
62 10 d. For costs associated with centers for independent
62 11 living:
62 12 \$ 20,147
62 13 4. STATE LIBRARY
62 14 a. For salaries, support, maintenance, miscellaneous
62 15 purposes, and for not more than the following full-time
62 16 equivalent positions:
62 17 \$ 604,809
62 18 FTEs 17.00
62 19 b. For the enrich Iowa program established under section
62 20 256.57:
62 21 \$ 837,114
62 22 5. LIBRARY SERVICE AREA SYSTEM
62 23 For state aid:
62 24 \$ 502,722
62 25 6. PUBLIC BROADCASTING DIVISION
62 26 For salaries, support, maintenance, capital expenditures,
62 27 miscellaneous purposes, and for not more than the following
62 28 full-time equivalent positions:
62 29 \$ 3,327,011
62 30 FTEs 82.00
62 31 7. REGIONAL TELECOMMUNICATIONS COUNCILS
62 32 For state aid:
62 33 \$ 496,457
62 34 The regional telecommunications councils established
62 35 in section 8D.5 shall use the moneys appropriated in this



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63 1 subsection to provide technical assistance for network
63 2 classrooms, planning and troubleshooting for local area
63 3 networks, scheduling of video sites, and other related support
63 4 activities.

63 5 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
63 6 For reimbursement for vocational education expenditures made
63 7 by secondary schools:
63 8 \$ 1,315,067
63 9 Moneys appropriated in this subsection shall be used
63 10 to reimburse school districts for vocational education
63 11 expenditures made by secondary schools to meet the standards
63 12 set in sections 256.11, 258.4, and 260C.14.

63 13 9. SCHOOL FOOD SERVICE
63 14 For use as state matching funds for federal programs that
63 15 shall be disbursed according to federal regulations, including
63 16 salaries, support, maintenance, miscellaneous purposes, and for
63 17 not more than the following full-time equivalent positions:
63 18 \$ 1,088,399
63 19 FTEs 20.58

63 20 10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID
63 21 For deposit in the school ready children grants account of
63 22 the early childhood Iowa fund created in section 256I.11:
63 23 \$ 2,693,057

63 24 a. From the moneys deposited in the school ready children
63 25 grants account for the fiscal year beginning July 1, 2012, and
63 26 ending June 30, 2013, not more than \$132,975 is allocated for
63 27 the early childhood Iowa office and other technical assistance
63 28 activities. The early childhood Iowa state board shall direct
63 29 staff to work with the early childhood stakeholders alliance
63 30 created in section 256I.12 to inventory technical assistance
63 31 needs. Moneys allocated under this lettered paragraph may be
63 32 used by the early childhood Iowa state board for the purpose of
63 33 skills development and support for ongoing training of staff.
63 34 However, except as otherwise provided in this subsection,
63 35 moneys shall not be used for additional staff or for the



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64 1 reimbursement of staff.

64 2 b. As a condition of receiving moneys appropriated in
64 3 this subsection, each early childhood Iowa area board shall
64 4 report to the early childhood Iowa state board progress on
64 5 each of the local indicators approved by the area board. Each
64 6 early childhood Iowa area board must also submit an annual
64 7 budget for the area's comprehensive school ready children
64 8 grant developed for providing services for children from birth
64 9 through five years of age, and provide other information
64 10 specified by the early childhood Iowa state board, including
64 11 budget amendments as needed. The early childhood Iowa state
64 12 board shall establish a submission deadline for the annual
64 13 budget and any budget amendments that allow a reasonable period
64 14 of time for preparation by the early childhood Iowa area boards
64 15 and for review and approval or request for modification of
64 16 the materials by the early childhood Iowa state board. In
64 17 addition, each early childhood Iowa area board must continue to
64 18 comply with reporting provisions and other requirements adopted
64 19 by the early childhood Iowa state board in implementing section
64 20 256I.9.

64 21 c. Of the amount appropriated in this subsection for
64 22 deposit in the school ready children grants account of the
64 23 early childhood Iowa fund, \$1,159,009 shall be used for efforts
64 24 to improve the quality of early care, health, and education
64 25 programs. Moneys allocated pursuant to this paragraph may be
64 26 used for additional staff and for the reimbursement of staff.
64 27 The early childhood Iowa state board may reserve a portion
64 28 of the allocation, not to exceed \$44,325, for the technical
64 29 assistance expenses of the early childhood Iowa state office,
64 30 including the reimbursement of staff, and shall distribute
64 31 the remainder to early childhood Iowa areas for local quality
64 32 improvement efforts through a methodology identified by the
64 33 early childhood Iowa state board to make the most productive
64 34 use of the funding, which may include use of the distribution
64 35 formula, grants, or other means.



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65 1 d. Of the amount appropriated in this subsection for
65 2 deposit in the school ready children grants account of
65 3 the early childhood Iowa fund, \$412,515 shall be used for
65 4 support of professional development and training activities
65 5 for persons working in early care, health, and education by
65 6 the early childhood Iowa state board in collaboration with
65 7 the professional development component group of the early
65 8 childhood Iowa stakeholders alliance maintained pursuant to
65 9 section 256I.12, subsection 7, paragraph "b", and the early
65 10 childhood Iowa area boards. Expenditures shall be limited to
65 11 professional development and training activities agreed upon by
65 12 the parties participating in the collaboration.

65 13 11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION
65 14 ASSISTANCE

65 15 a. For deposit in the school ready children grants account
65 16 of the early childhood Iowa fund created in section 256I.11:
65 17 \$ 2,468,293

65 18 b. The amount appropriated in this subsection shall be
65 19 used for early care, health, and education programs to assist
65 20 low-income parents with tuition for preschool and other
65 21 supportive services for children ages three, four, and five
65 22 who are not attending kindergarten in order to increase the
65 23 basic family income eligibility requirement to not more than
65 24 200 percent of the federal poverty level. In addition, if
65 25 sufficient funding is available after addressing the needs of
65 26 those who meet the basic income eligibility requirement, an
65 27 early childhood Iowa area board may provide for eligibility
65 28 for those with a family income in excess of the basic income
65 29 eligibility requirement through use of a sliding scale or other
65 30 copayment provisions.

65 31 12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND PARENT
65 32 EDUCATION

65 33 a. For deposit in the school ready children grants account
65 34 of the early childhood Iowa fund created in section 256I.11:
65 35 \$ 6,182,217



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66 1 b. The amount appropriated in this subsection shall be
66 2 used for family support services and parent education programs
66 3 targeted to families expecting a child or with newborn and
66 4 infant children through age five and shall be distributed using
66 5 the distribution formula approved by the early childhood Iowa
66 6 state board and shall be used by an early childhood Iowa area
66 7 board only for family support services and parent education
66 8 programs targeted to families expecting a child or with newborn
66 9 and infant children through age five.

66 10 13. BIRTH TO AGE THREE SERVICES

66 11 For expansion of the federal Individuals with Disabilities
66 12 Education Improvement Act of 2004, Pub. L. No. 108=446, as
66 13 amended to January 1, 2012, birth through age three services
66 14 due to increased numbers of children qualifying for those
66 15 services:

66 16 \$ 860,700

66 17 From the moneys appropriated in this subsection, \$383,769
66 18 shall be allocated to the child health specialty clinic at the
66 19 state university of Iowa to provide additional support for
66 20 infants and toddlers who are born prematurely, drug=exposed, or
66 21 medically fragile.

66 22 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

66 23 To provide moneys for costs of providing textbooks to each
66 24 resident pupil who attends a nonpublic school as authorized by
66 25 section 301.1:

66 26 \$ 280,107

66 27 Funding under this subsection is limited to \$20 per pupil and
66 28 shall not exceed the comparable services offered to resident
66 29 public school pupils.

66 30 15. CORE CURRICULUM AND CAREER INFORMATION AND
66 31 DECISION=MAKING SYSTEM

66 32 For purposes of implementing the statewide core curriculum
66 33 for school districts and accredited nonpublic schools and a
66 34 state=designed career information and decision=making system:

66 35 \$ 500,000



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67 1 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
67 2 For purposes of the student achievement and teacher quality
67 3 program established pursuant to chapter 284, and for not more
67 4 than the following full-time equivalent positions:
67 5 \$ 2,392,500
67 6 FTEs 2.00
67 7 17. COMMUNITY COLLEGES
67 8 a. For general state financial aid to merged areas as
67 9 defined in section 260C.2 in accordance with chapters 258 and
67 10 260C:
67 11 \$ 81,887,324
67 12 The funds appropriated in this subsection shall be allocated
67 13 pursuant to the formula established in section 206C.18C.
67 14 b. For distribution to community colleges to supplement
67 15 faculty salaries:
67 16 \$ 250,000
67 17 c. For deposit in the workforce training and economic
67 18 development funds created pursuant to section 260C.18A:
67 19 \$ 2,500,000
67 20 STATE BOARD OF REGENTS
67 21 Sec. 101. There is appropriated from the general fund of
67 22 the state to the state board of regents for the fiscal year
67 23 beginning July 1, 2012, and ending June 30, 2013, the following
67 24 amounts, or so much thereof as may be necessary, to be used for
67 25 the purposes designated:
67 26 1. OFFICE OF STATE BOARD OF REGENTS
67 27 a. For salaries, support, maintenance, miscellaneous
67 28 purposes, and for not more than the following full-time
67 29 equivalent positions:
67 30 \$ 537,145
67 31 FTEs 15.00
67 32 (1) The state board of regents shall submit a monthly
67 33 financial report in a format agreed upon by the state board of
67 34 regents office and the legislative services agency.
67 35 (2) The state board of regents may transfer funding received



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68 1 under paragraphs "b", "c", and "d" to any of the centers
68 2 specified in paragraph "b", "c", or "d" if the board notifies
68 3 the general assembly in writing, including both the legislative
68 4 council and the legislative services agency, of the amount, the
68 5 date, and the purpose of the transfer.
68 6 b. For moneys to be allocated to the southwest Iowa graduate
68 7 studies center:
68 8 \$ 44,117
68 9 c. For moneys to be allocated to the siouxland interstate
68 10 metropolitan planning council for the tristate graduate center
68 11 under section 262.9, subsection 22:
68 12 \$ 33,591
68 13 d. For moneys to be allocated to the quad=cities graduate
68 14 studies center:
68 15 \$ 65,454
68 16 e. For moneys to be distributed to Iowa public radio for
68 17 public radio operations:
68 18 \$ 197,491
68 19 2. STATE UNIVERSITY OF IOWA
68 20 a. General university, including lakeside laboratory
68 21 For salaries, support, maintenance, equipment, miscellaneous
68 22 purposes, and for not more than the following full=time
68 23 equivalent positions:
68 24 \$105,782,873
68 25 FTEs 5,058.55
68 26 b. Oakdale campus
68 27 For salaries, support, maintenance, miscellaneous purposes,
68 28 and for not more than the following full=time equivalent
68 29 positions:
68 30 \$ 1,102,810
68 31 FTEs 38.25
68 32 c. State hygienic laboratory
68 33 For salaries, support, maintenance, miscellaneous purposes,
68 34 and for not more than the following full=time equivalent
68 35 positions:



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69	1	\$	1,783,774
69	2	FTEs	102.50
69	3	d. Family practice program		
69	4	For allocation by the dean of the college of medicine, with		
69	5	approval of the advisory board, to qualified participants		
69	6	to carry out the provisions of chapter 148D for the family		
69	7	practice program, including salaries and support, and for not		
69	8	more than the following full=time equivalent positions:		
69	9	.....	\$	901,927
69	10	.....	FTEs	190.40
69	11	e. Child health care services		
69	12	For specialized child health care services, including		
69	13	childhood cancer diagnostic and treatment network programs,		
69	14	rural comprehensive care for hemophilia patients, and the		
69	15	Iowa high=risk infant follow=up program, including salaries		
69	16	and support, and for not more than the following full=time		
69	17	equivalent positions:		
69	18	.....	\$	332,602
69	19	.....	FTEs	57.97
69	20	f. Statewide cancer registry		
69	21	For the statewide cancer registry, and for not more than the		
69	22	following full=time equivalent positions:		
69	23	.....	\$	75,175
69	24	.....	FTEs	2.10
69	25	g. Substance abuse consortium		
69	26	For moneys to be allocated to the Iowa consortium for		
69	27	substance abuse research and evaluation, and for not more than		
69	28	the following full=time equivalent position:		
69	29	.....	\$	28,007
69	30	.....	FTEs	1.00
69	31	h. Center for biocatalysis		
69	32	For the center for biocatalysis, and for not more than the		
69	33	following full=time equivalent positions:		
69	34	.....	\$	365,018
69	35	.....	FTEs	6.28



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Study Bill 1217 continued

70 1 i. Primary health care initiative
70 2 For the primary health care initiative in the college
70 3 of medicine, and for not more than the following full=time
70 4 equivalent positions:
70 5 \$ 327,294
70 6 FTEs 5.89
70 7 From the moneys appropriated in this lettered paragraph,
70 8 \$127,444 shall be allocated to the department of family
70 9 practice at the state university of Iowa college of medicine
70 10 for family practice faculty and support staff.
70 11 j. Birth defects registry
70 12 For the birth defects registry, and for not more than the
70 13 following full=time equivalent position:
70 14 \$ 19,311
70 15 FTEs 1.00
70 16 k. Larned A. Waterman Iowa nonprofit resource center
70 17 For the Larned A. Waterman Iowa nonprofit resource center,
70 18 and for not more than the following full=time equivalent
70 19 positions:
70 20 \$ 81,978
70 21 FTEs 2.75
70 22 l. Iowa online advanced placement academy science,
70 23 technology, engineering, and mathematics initiative
70 24 For the establishment of the Iowa online advanced placement
70 25 academy science, technology, engineering, and mathematics
70 26 initiative:
70 27 \$ 243,025
70 28 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
70 29 a. General university
70 30 For salaries, support, maintenance, equipment, miscellaneous
70 31 purposes, and for not more than the following full=time
70 32 equivalent positions:
70 33 \$ 82,888,958
70 34 FTEs 3,647.42
70 35 b. Agricultural experiment station



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Study Bill 1217 continued

71 1 For the agricultural experiment station salaries, support,
71 2 maintenance, miscellaneous purposes, and for not more than the
71 3 following full=time equivalent positions:
71 4 \$ 14,178,474
71 5 FTEs 546.98
71 6 c. Cooperative extension service in agriculture and home
71 7 economics
71 8 For the cooperative extension service in agriculture and
71 9 home economics salaries, support, maintenance, miscellaneous
71 10 purposes, and for not more than the following full=time
71 11 equivalent positions:
71 12 \$ 9,046,545
71 13 FTEs 383.34
71 14 d. Leopold center
71 15 For agricultural research grants at Iowa state university of
71 16 science and technology under section 266.39B, and for not more
71 17 than the following full=time equivalent positions:
71 18 \$ 200,441
71 19 FTEs 11.25
71 20 e. Livestock disease research
71 21 For deposit in and the use of the livestock disease research
71 22 fund under section 267.8:
71 23 \$ 87,176
71 24 4. UNIVERSITY OF NORTHERN IOWA
71 25 a. General university
71 26 For salaries, support, maintenance, equipment, miscellaneous
71 27 purposes, and for not more than the following full=time
71 28 equivalent positions:
71 29 \$ 37,693,051
71 30 FTEs 1,447.50
71 31 b. Recycling and reuse center
71 32 For purposes of the recycling and reuse center, and for not
71 33 more than the following full=time equivalent positions:
71 34 \$ 88,392
71 35 FTEs 3.00



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Senate Study Bill 1217 continued

72 1 c. Science, technology, engineering, and mathematics (STEM)
72 2 collaborative initiative
72 3 For purposes of establishing a science, technology,
72 4 engineering, and mathematics (STEM) collaborative initiative,
72 5 and for not more than the following full=time equivalent
72 6 positions:
72 7 \$ 874,889
72 8 FTEs 6.20
72 9 (1) From the moneys appropriated in this lettered
72 10 paragraph, up to \$141,000 shall be allocated for salaries,
72 11 staffing, and institutional support. The remainder of the
72 12 moneys appropriated in this lettered paragraph shall be
72 13 expended only to support activities directly related to
72 14 recruitment of kindergarten through grade 12 mathematics and
72 15 science teachers and for ongoing mathematics and science
72 16 programming for students enrolled in kindergarten through grade
72 17 12.
72 18 (2) The university of northern Iowa shall work with the
72 19 community colleges to develop STEM professional development
72 20 programs for community college instructors and STEM curriculum
72 21 development.
72 22 d. Real estate education program
72 23 For purposes of the real estate education program, and for
72 24 not more than the following full=time equivalent position:
72 25 \$ 63,197
72 26 FTEs 1.00
72 27 5. STATE SCHOOL FOR THE DEAF
72 28 For salaries, support, maintenance, miscellaneous purposes,
72 29 and for not more than the following full=time equivalent
72 30 positions:
72 31 \$ 4,218,893
72 32 FTEs 126.60
72 33 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
72 34 For salaries, support, maintenance, miscellaneous purposes,
72 35 and for not more than the following full=time equivalent



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Senate Study Bill 1217 continued

73 1 positions:
73 2 \$ 1,811,160
73 3 FTEs 62.87
73 4 7. TUITION AND TRANSPORTATION COSTS
73 5 For payment to local school boards for the tuition and
73 6 transportation costs of students residing in the Iowa braille
73 7 and sight saving school and the state school for the deaf
73 8 pursuant to section 262.43 and for payment of certain clothing,
73 9 prescription, and transportation costs for students at these
73 10 schools pursuant to section 270.5:
73 11 \$ 5,933
73 12 8. LICENSED CLASSROOM TEACHERS
73 13 For distribution at the Iowa braille and sight saving school
73 14 and the Iowa school for the deaf based upon the average yearly
73 15 enrollment at each school as determined by the state board of
73 16 regents:
73 17 \$ 41,382
73 18 Sec. 102. ENERGY COST=SAVINGS PROJECTS ==== FINANCING. For
73 19 the fiscal year beginning July 1, 2012, and ending June 30,
73 20 2013, the state board of regents may use notes, bonds, or
73 21 other evidences of indebtedness issued under section 262.48 to
73 22 finance projects that will result in energy cost savings in an
73 23 amount that will cause the state board to recover the cost of
73 24 the projects within an average of six years.
73 25 Sec. 103. PRESCRIPTION DRUG COSTS. Notwithstanding section
73 26 270.7, the department of administrative services shall pay
73 27 the state school for the deaf and the Iowa braille and sight
73 28 saving school the moneys collected from the counties during the
73 29 fiscal year beginning July 1, 2012, for expenses relating to
73 30 prescription drug costs for students attending the state school
73 31 for the deaf and the Iowa braille and sight saving school.
73 32 DIVISION VI
73 33 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY
73 34 Sec. 104. EFFECTIVE DATE AND RETROACTIVE
73 35 APPLICABILITY. Unless otherwise provided, this Act, if



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Senate Study Bill 1217 continued

74 1 approved by the governor on or after July 1, 2011, takes effect
74 2 upon enactment and applies retroactively to July 1, 2011.

74 3 EXPLANATION

74 4 FY 2011=2012 APPROPRIATIONS. This division of this bill
74 5 appropriates moneys for fiscal year 2011=2012 from the general
74 6 fund of the state to the college student aid commission, the
74 7 department for the blind, the department of education, and the
74 8 state board of regents and its institutions.

74 9 The division appropriates to the department for the blind
74 10 for its administration and for costs for universal access to
74 11 audio information.

74 12 The division includes appropriations to the college student
74 13 aid commission for general administrative purposes, student
74 14 aid programs, loan forgiveness for health care professionals,
74 15 the national guard educational assistance program, the teacher
74 16 shortage loan forgiveness program, the all Iowa opportunity
74 17 foster care grant and scholarship programs, the registered
74 18 nurse loan and nurse educator forgiveness program, and the
74 19 barber and cosmetology arts and sciences tuition grant program.

74 20 The division replaces the osteopathic physician recruitment
74 21 program with a health care professionals recruitment program,
74 22 and eliminates the osteopathic forgivable loan program, the
74 23 match requirement under the program for Des Moines university,
74 24 and the osteopathic tuition scholarship.

74 25 The division makes the children of certain peace officers,
74 26 police officers, sheriffs, and deputy sheriffs who are
74 27 permanently and totally disabled or who are killed in the line
74 28 of duty eligible for all Iowa opportunity foster care grants.

74 29 The division reduces the standing appropriations for Iowa
74 30 tuition and vocational=technical grants and provides that
74 31 a for=profit institution which, effective January 8, 2010,
74 32 purchased an accredited nonprofit private institution, Waldorf
74 33 College, shall be an eligible institution under the tuition
74 34 grant program. The division notwithstanding the \$2.75 million
74 35 standing appropriation for the Iowa work=study program and



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Senate Study Bill 1217 continued

75 1 provides that the amount appropriated for fiscal year 2011=2012
75 2 is zero.

75 3 The division appropriates moneys to the department
75 4 of education for purposes of the department's general
75 5 administration, vocational education administration,
75 6 division of vocational rehabilitation services including
75 7 independent living and the entrepreneurs with disabilities
75 8 program and independent living centers, state library for
75 9 general administration and the enrich Iowa program, library
75 10 service area system, public broadcasting division, regional
75 11 telecommunications councils, vocational education to secondary
75 12 schools, school food service, early childhood Iowa fund,
75 13 expansion of the federal Individuals with Disabilities
75 14 Education Improvement Act birth through age three services,
75 15 textbooks for nonpublic school pupils, the student achievement
75 16 and teacher quality program, and community colleges.

75 17 The division provides for the transfer of moneys from the
75 18 licensing fees collected during FY 2010=2011 by the board
75 19 of educational examiners to the department of education for
75 20 purposes of vocational rehabilitation. The provision takes
75 21 effect upon enactment, and if approved by the governor on or
75 22 after July 1, 2011, applies retroactively to June 30, 2011.

75 23 From the appropriation made to the department of education
75 24 for the 2010=2011 fiscal year for purposes of the student
75 25 achievement and teacher quality program, the division transfers
75 26 specified amounts for purposes of vocational education
75 27 administration, reimbursement for vocational education
75 28 expenditures to secondary schools, and school food service
75 29 for the 2010=2011 fiscal year; and provides that the transfer
75 30 provision takes effect upon enactment, and if approved by the
75 31 governor on or after July 1, 2011, applies retroactively to
75 32 June 30, 2011.

75 33 The division amends statute to authorize area early
75 34 childhood Iowa boards to use grant moneys to pay for regular
75 35 audits, to add that it is the intent of the general assembly



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Senate Study Bill 1217 continued

76 1 that priority for home visitation program funding be given to
76 2 programs using evidence-based or promising models for home
76 3 visitation, to provide students receiving competent private
76 4 instruction with more options for demonstrating proficiency to
76 5 ensure student readiness for postsecondary coursework under
76 6 the senior year plus program eligibility requirements, and
76 7 to change the allocations under the student achievement and
76 8 teacher quality program.

76 9 The division makes statutory changes relating to regional
76 10 academies. Currently, a regional academy is a program
76 11 established by a school district to which multiple school
76 12 districts send students in grades 9 through 12, and which may
76 13 include internet-based coursework and courses delivered via
76 14 the Iowa communications network. The division lowers the
76 15 grade level limit to grades 7 through 12, and adds that a
76 16 school district establishing a regional academy may collaborate
76 17 and partner with, enter into an agreement pursuant to Code
76 18 chapter 28E with, or enter into a contract with, two or more
76 19 school districts, area education agencies, community colleges,
76 20 accredited public and private postsecondary institutions,
76 21 accredited nonpublic schools, businesses, and private agencies
76 22 located within or outside of the state. If a school district
76 23 submits a plan to the department of education for approval
76 24 that demonstrates how it will increase and assess student
76 25 achievement or increase and assess competency-based learning
76 26 opportunities for students, the department may waive or
76 27 modify certain statutory or regulatory provisions applicable
76 28 to school districts in order to provide the regional academy
76 29 additional flexibility. The division strikes language that
76 30 prohibits a regional academy course from qualifying as a
76 31 concurrent enrollment course. A regional academy may include
76 32 in its curriculum virtual or internet-based coursework and
76 33 courses delivered via the Iowa communications network, career
76 34 and technical courses, core curriculum coursework, courses
76 35 required for graduation or under the educational standards, and



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Senate Study Bill 1217 continued

77 1 asynchronous learning networks. Regional academies may receive
77 2 supplementary weighting. The division provides that the school
77 3 districts participating in the regional academy must enter
77 4 into an agreement on how the supplementary weighting received
77 5 shall be used and must submit the agreement to the department
77 6 for approval. The division eliminates an outdated provision
77 7 relating to supplementary weighting for regional academies.
77 8 These provisions take effect July 1, 2012, and are applicable
77 9 to school years beginning on or after that date.

77 10 The division amends statute to permit children to qualify
77 11 for school district home school assistance programs if they
77 12 are school age, rather than compulsory attendance age. The
77 13 division also requires school districts to expend moneys
77 14 received from weighted enrollment of children receiving
77 15 competent private instruction at home on home school assistance
77 16 programs and broadens the acceptable uses of the state
77 17 assistance school districts receive from additional weighting
77 18 for students receiving competent private instruction from
77 19 a licensed practitioner provided through a public school
77 20 district. Funds received for purposes of providing a program,
77 21 under the division, may be used for instructing students; for
77 22 equipment or facility acquisition, including the lease or
77 23 rental of space to supplement existing schoolhouse facilities;
77 24 and for operational, maintenance, or administrative costs other
77 25 than those costs necessary to operate, maintain, and administer
77 26 the program.

77 27 The division appropriates moneys to the state board of
77 28 regents for the board office, universities' general operating
77 29 budgets; the southwest Iowa graduate studies center; the
77 30 siouxland interstate metropolitan planning council; the
77 31 quad=cities graduate studies center; Iowa public radio; the
77 32 state university of Iowa; Iowa state university of science
77 33 and technology; the university of northern Iowa; and for the
77 34 Iowa school for the deaf and the Iowa braille and sight saving
77 35 school, including tuition and transportation costs for students



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Senate Study Bill 1217 continued

78 1 residing in the schools and licensed classroom teachers.
78 2 The division allows the state board of regents to use
78 3 indebtedness to finance certain projects resulting in energy
78 4 savings.
78 5 The division also requires the department of administrative
78 6 services to pay the state school for the deaf and the Iowa
78 7 braille and sight saving school moneys collected from counties
78 8 for expenses related to prescription drug costs for students
78 9 attending the schools.
78 10 The division amends statute to provide that the state board
78 11 of regents may authorize its institutions to commission one or
78 12 more of its employees as peace officers, with the same powers,
78 13 duties, and privileges and immunities as conferred on regular
78 14 peace officers. The bill strikes language that limits these
78 15 powers and duties to actions taken when the officers are acting
78 16 in the interests of the institution.
78 17 The division also establishes within the international
78 18 center for talented and gifted education at the state
78 19 university of Iowa the Iowa online advanced placement academy
78 20 science, technology, engineering, and mathematics (STEM)
78 21 initiative, the purpose of which is to deliver preadvanced
78 22 placement and advanced placement courses to high school
78 23 students throughout the state, provide training opportunities
78 24 for teachers to learn how to teach advanced placement courses
78 25 in Iowa's high schools, and provide preparation for middle
78 26 school students to ensure success in high school.
78 27 LIBRARY PROVISIONS. This division changes the name of the
78 28 division of libraries and information services within the
78 29 department of education to the division of library services;
78 30 establishes that the division is attached to the department
78 31 for administrative purposes only; establishes within the
78 32 division a library support network and a specialized library
78 33 services unit; expands the membership of the commission of
78 34 libraries; directs the state librarian to convene a library
78 35 services advisory panel; and eliminates the library service



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Senate Study Bill 1217 continued

79 1 areas effective July 1, 2011, transfers their duties to the
79 2 division, and directs the state librarian to assume all of the
79 3 outstanding obligations of the library service areas. The
79 4 provision directing each library service area to transfer its
79 5 state=funded assets and title to any state=funded real estate
79 6 it owns to the state librarian takes effect upon enactment, and
79 7 if approved by the governor on or after July 1, 2011, shall
79 8 apply retroactively to June 30, 2011.

79 9 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM. This
79 10 division establishes the pathways for academic career and
79 11 employment program and the gap tuition assistance program.
79 12 The pathways for academic career and employment program
79 13 provides funding to community colleges to develop projects
79 14 in coordination with public and private partners to enable
79 15 participants to acquire academic and employment training and
79 16 to secure gainful, quality, in=state employment in in=demand
79 17 industries. The division sets out eligibility criteria for
79 18 participants and projects, program outcomes, and program
79 19 components.

79 20 The gap tuition assistance program provides funding to
79 21 community colleges for need=based tuition assistance to
79 22 applicants to enable completion of continuing education
79 23 certificate training programs for in=demand occupations. The
79 24 division sets out eligibility criteria for participants and
79 25 certificate training programs. The division sets out program
79 26 components and requirements.

79 27 The division includes the pathways for academic career
79 28 and employment program, the gap tuition assistance program,
79 29 entrepreneurial education, small business assistance, and
79 30 business incubators as eligible purposes for community colleges
79 31 to use moneys deposited in their workforce training and
79 32 economic development funds pursuant to Code section 260C.18A.

79 33 ORGANIZATIONS REPRESENTING SCHOOL BOARDS, MEMBERS, AND
79 34 ADMINISTRATORS. This division strikes Code section 279.38 and
79 35 repeals Code section 279.38A, but combines much of the language



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Senate Study Bill 1217 continued

80 1 of these two Code sections to modify the statutory requirements
80 2 of organizations to which school boards, school board members,
80 3 and school district administrators may join and pay monetary
80 4 fees for products or services or annual dues for membership.
80 5 School boards, board members, and school administrators may
80 6 join and participate in local, state, regional, and national
80 7 organizations which relate to the administrator or school
80 8 board functions of the school district. Such organizations
80 9 include but are not limited to the Iowa association of school
80 10 boards, the urban education network, Iowa school finance
80 11 information services, and the school administrators of Iowa.
80 12 Such an organization shall be considered a taxpayer=funded
80 13 organization.

80 14 Each board that pays fees or dues must annually report the
80 15 local community and to the department of education the amount
80 16 the board pays in annual dues to the organization and the
80 17 amount of any fees or assessments paid, and revenue or dividend
80 18 payments received, for services received from the organization,
80 19 and the products or services received from the organization.
80 20 The division requires that the information be submitted to
80 21 the department electronically in the format specified by the
80 22 department.

80 23 The financial condition and transactions of the
80 24 organizations shall be audited in the same manner as school
80 25 districts. Under the division, the organization must establish
80 26 an audit committee to review the financial condition and
80 27 transactions of the organization and the audit report.

80 28 Such an organization must publish annually, on its internet
80 29 site and in a report submitted annually to the department of
80 30 education, the standing committees on government oversight, and
80 31 the general assembly, a listing of the school districts and the
80 32 fees and dues paid by each school district; the total revenue
80 33 the organization receives from each school district resulting
80 34 from the payment of membership fees or dues; the total revenue
80 35 received from each school district from the payment of fees



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Senate Study Bill 1217 continued

81 1 or dues, and the total net profit from the sale of products
81 2 and services to the school district by the organization;
81 3 the total amount of the annual compensation and expenses
81 4 paid to the organization's 10 highest paid employees, broken
81 5 down by individual employee; and an accounting of all moneys
81 6 expended for reimbursement of expenses and compensation paid to
81 7 legislative representatives and lobbyists of the organization.
81 8 Under the division, the organization must also submit to
81 9 the general assembly copies of any report the organization
81 10 provides to the U.S. department of education. The organization
81 11 must also provide education and training to its board members
81 12 regarding their fiduciary duties and legal responsibilities.
81 13 The division prohibits an organization from paying bonuses
81 14 or other consideration to employees, officers, board members,
81 15 or lobbyists, but allows an organization to pay a commission to
81 16 an employee under certain circumstances.
81 17 The division also prohibits the head of the organization
81 18 from requiring an employee to inform the person that the
81 19 employee disclosed information, and prohibits the person
81 20 taking adverse employment action against an employee of the
81 21 organization who discloses information, about the organization
81 22 to a board member, any public official, a law enforcement
81 23 agency, a state agency, the auditor of state or an auditor
81 24 conducting an examination in accordance with Code section 11.6,
81 25 the office of the attorney general, the office of citizens'
81 26 aide, or to a committee of the general assembly if the employee
81 27 reasonably believes the information evidences a violation
81 28 of law or rule, mismanagement, a gross abuse of funds, an
81 29 abuse of authority, or a substantial or specific danger to
81 30 public health or safety. The provisions do not apply if the
81 31 disclosure of information is prohibited by statute. A person
81 32 who violates the prohibitions commits a simple misdemeanor
81 33 and may be liable to an aggrieved employee for affirmative
81 34 relief. The prohibition against adverse action may be
81 35 enforced through a civil action, and the employee may bring an



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Senate Study Bill 1217 continued

82 1 action for injunctive relief by the district court. Adverse
82 2 action against an employee for declining to participate in
82 3 contributions or donations is also prohibited. The person and
82 4 the organization must provide employee notification procedures
82 5 relating to these prohibitions and remedies and must conduct
82 6 related promotional campaigns.

82 7 The organization's governing boards meetings are subject to
82 8 Code chapter 21 (open meetings) and the governing board and the
82 9 organization's records must be maintained in compliance with
82 10 Code chapter 22 (open records).

82 11 This division takes effect upon enactment, and if approved
82 12 by the governor on or after July 1, 2011, applies retroactively
82 13 to June 30, 2011.

82 14 FY 2012=2013. This division of the bill appropriates moneys
82 15 for fiscal year 2012=2013 from the general fund of the state
82 16 to the college student aid commission, the department for the
82 17 blind, the department of education, and the state board of
82 18 regents and its institutions.

82 19 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

82 20 Unless otherwise provided, the bill, if approved by the
82 21 governor on or after July 1, 2011, takes effect upon enactment
82 22 and applies retroactively to July 1, 2011.

LSB 2819XC (13) 84

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Senate Study Bill 1218

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions,
3 providing penalties, and including effective, retroactive,
4 and applicability date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2820XC (37) 84

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Senate Study Bill 1218 continued

PAG LIN

1 1 DIVISION I
1 2 DEPARTMENT ON AGING ==== FY 2011=2012
1 3 Section 1. DEPARTMENT ON AGING. There is appropriated from
1 4 the general fund of the state to the department on aging for
1 5 the fiscal year beginning July 1, 2011, and ending June 30,
1 6 2012, the following amount, or so much thereof as is necessary,
1 7 to be used for the purposes designated:
1 8 For aging programs for the department on aging and area
1 9 agencies on aging to provide citizens of Iowa who are 60 years
1 10 of age and older with case management for frail elders, Iowa's
1 11 aging and disabilities resource center, and other services
1 12 which may include but are not limited to adult day services,
1 13 respite care, chore services, information and assistance,
1 14 and material aid, for information and options counseling for
1 15 persons with disabilities who are 18 years of age or older,
1 16 and for salaries, support, administration, maintenance, and
1 17 miscellaneous purposes, and for not more than the following
1 18 full-time equivalent positions:
1 19 \$ 10,302,577
1 20 FTEs 35.00
1 21 1. Funds appropriated in this section may be used to
1 22 supplement federal funds under federal regulations. To
1 23 receive funds appropriated in this section, a local area
1 24 agency on aging shall match the funds with moneys from other
1 25 sources according to rules adopted by the department. Funds
1 26 appropriated in this section may be used for elderly services
1 27 not specifically enumerated in this section only if approved
1 28 by an area agency on aging for provision of the service within
1 29 the area.
1 30 2. The amount appropriated in this section includes
1 31 additional funding of \$450,000 for delivery of long-term care
1 32 services to seniors with low or moderate incomes.
1 33 3. Of the funds appropriated in this section, \$179,946 shall
1 34 be transferred to the department of economic development for
1 35 the Iowa commission on volunteer services to be used for the



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Senate Study Bill 1218 continued

2 1 retired and senior volunteer program.
2 2 4. a. The department on aging shall establish and enforce
2 3 procedures relating to expenditure of state and federal funds
2 4 by area agencies on aging that require compliance with both
2 5 state and federal laws, rules, and regulations, including but
2 6 not limited to all of the following:
2 7 (1) Requiring that expenditures are incurred only for goods
2 8 or services received or performed prior to the end of the
2 9 fiscal period designated for use of the funds.
2 10 (2) Prohibiting prepayment for goods or services not
2 11 received or performed prior to the end of the fiscal period
2 12 designated for use of the funds.
2 13 (3) Prohibiting the prepayment for goods or services
2 14 not defined specifically by good or service, time period, or
2 15 recipient.
2 16 (4) Prohibiting the establishment of accounts from which
2 17 future goods or services which are not defined specifically by
2 18 good or service, time period, or recipient, may be purchased.
2 19 b. The procedures shall provide that if any funds are
2 20 expended in a manner that is not in compliance with the
2 21 procedures and applicable federal and state laws, rules, and
2 22 regulations, and are subsequently subject to repayment, the
2 23 area agency on aging expending such funds in contravention of
2 24 such procedures, laws, rules and regulations, not the state,
2 25 shall be liable for such repayment.
2 26 DIVISION II
2 27 DEPARTMENT OF PUBLIC HEALTH ==== FY 2011=2012
2 28 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated
2 29 from the general fund of the state to the department of public
2 30 health for the fiscal year beginning July 1, 2011, and ending
2 31 June 30, 2012, the following amounts, or so much thereof as is
2 32 necessary, to be used for the purposes designated:
2 33 1. ADDICTIVE DISORDERS
2 34 For reducing the prevalence of use of tobacco, alcohol, and
2 35 other drugs, and treating individuals affected by addictive



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Senate Study Bill 1218 continued

3 1 behaviors, including gambling, and for not more than the
3 2 following full-time equivalent positions:
3 3 \$ 24,603,190
3 4 FTEs 13.00
3 5 a. (1) Of the funds appropriated in this subsection,
3 6 \$4,353,830 shall be used for the tobacco use prevention and
3 7 control initiative, including efforts at the state and local
3 8 levels, as provided in chapter 142A.
3 9 (2) Of the funds allocated in this paragraph "a", \$453,830
3 10 shall be transferred to the alcoholic beverages division of
3 11 the department of commerce for enforcement of tobacco laws,
3 12 regulations, and ordinances in accordance with 2011 Iowa Acts,
3 13 House File 467, as enacted.
3 14 b. Of the funds appropriated in this subsection,
3 15 \$20,249,360 shall be used for problem gambling and substance
3 16 abuse prevention, treatment, and recovery services, including a
3 17 24-hour helpline, public information resources, professional
3 18 training, and program evaluation.
3 19 (1) Of the funds allocated in this paragraph "b",
3 20 \$17,132,508 shall be used for substance abuse prevention and
3 21 treatment.
3 22 (a) Of the funds allocated in this subparagraph (1),
3 23 \$899,300 shall be used for the public purpose of a grant
3 24 program to provide substance abuse prevention programming for
3 25 children.
3 26 (i) Of the funds allocated in this subparagraph division
3 27 (a), \$427,539 shall be used for grant funding for organizations
3 28 that provide programming for children by utilizing mentors.
3 29 Programs approved for such grants shall be certified or will
3 30 be certified within six months of receiving the grant award
3 31 by the Iowa commission on volunteer services as utilizing the
3 32 standards for effective practice for mentoring programs.
3 33 (ii) Of the funds allocated in this subparagraph division
3 34 (a), \$426,839 shall be used for grant funding for organizations
3 35 that provide programming that includes youth development and



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4 1 leadership. The programs shall also be recognized as being
4 2 programs that are scientifically based with evidence of their
4 3 effectiveness in reducing substance abuse in children.
4 4 (iii) The department of public health shall utilize a
4 5 request for proposals process to implement the grant program.
4 6 (iv) All grant recipients shall participate in a program
4 7 evaluation as a requirement for receiving grant funds.
4 8 (v) Of the funds allocated in this subparagraph division
4 9 (a), up to \$44,922 may be used to administer substance abuse
4 10 prevention grants and for program evaluations.
4 11 (b) Of the funds allocated in this subparagraph (1),
4 12 \$273,062 shall be used for culturally competent substance abuse
4 13 treatment pilot projects.
4 14 (i) The department shall utilize the amount allocated
4 15 in this subparagraph division (b) for at least three pilot
4 16 projects to provide culturally competent substance abuse
4 17 treatment in various areas of the state. Each pilot project
4 18 shall target a particular ethnic minority population. The
4 19 populations targeted shall include but are not limited to
4 20 African American, Asian, and Latino.
4 21 (ii) The pilot project requirements shall provide for
4 22 documentation or other means to ensure access to the cultural
4 23 competence approach used by a pilot project so that such
4 24 approach can be replicated and improved upon in successor
4 25 programs.
4 26 (2) Of the funds allocated in this paragraph "b", up
4 27 to \$3,116,852 may be used for problem gambling prevention,
4 28 treatment, and recovery services.
4 29 (a) Of the funds allocated in this subparagraph (2),
4 30 \$2,579,000 shall be used for problem gambling prevention and
4 31 treatment.
4 32 (b) Of the funds allocated in this subparagraph (2), up to
4 33 \$437,852 may be used for a 24-hour helpline, public information
4 34 resources, professional training, and program evaluation.
4 35 (c) Of the funds allocated in this subparagraph (2), up



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5 1 to \$100,000 may be used for the licensing of problem gambling
5 2 treatment programs.

5 3 (3) It is the intent of the general assembly that from the
5 4 moneys allocated in this paragraph "b", persons with a dual
5 5 diagnosis of substance abuse and gambling addictions shall be
5 6 given priority in treatment services.

5 7 c. Notwithstanding any provision of law to the contrary,
5 8 to standardize the availability, delivery, cost of delivery,
5 9 and accountability of problem gambling and substance abuse
5 10 treatment services statewide, the department shall continue
5 11 implementation of a process to create a system for delivery
5 12 of treatment services in accordance with the requirements
5 13 specified in 2008 Iowa Acts, chapter 1187, section 3,
5 14 subsection 4. To ensure the system provides a continuum of
5 15 treatment services that best meets the needs of Iowans, the
5 16 problem gambling and substance abuse treatment services in any
5 17 area may be provided either by a single agency or by separate
5 18 agencies submitting a joint proposal.

5 19 (1) The system for delivery of substance abuse and
5 20 problem gambling treatment shall include problem gambling
5 21 prevention by July 1, 2012. The department shall submit a
5 22 proposed legislative bill in accordance with section 2.16, for
5 23 consideration during the 2012 legislative session, addressing
5 24 any statutory revisions necessary for full implementation of
5 25 the system.

5 26 (2) The system for delivery of substance abuse and problem
5 27 gambling treatment shall include substance abuse prevention by
5 28 July 1, 2014.

5 29 (3) Of the funds allocated in paragraph "b", the department
5 30 may use up to \$100,000 for administrative costs to continue
5 31 developing and implementing the process in accordance with this
5 32 paragraph "c".

5 33 d. The requirement of section 123.53, subsection 5, is met
5 34 by the appropriations and allocations made in this Act for
5 35 purposes of substance abuse treatment and addictive disorders



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6 1 for the fiscal year beginning July 1, 2011.
6 2 e. The department of public health shall work with all other
6 3 departments that fund substance abuse prevention and treatment
6 4 services and all such departments shall, to the extent
6 5 necessary, collectively meet the state maintenance of effort
6 6 requirements for expenditures for substance abuse services
6 7 as required under the federal substance abuse prevention and
6 8 treatment block grant.
6 9 f. The department shall amend or otherwise revise
6 10 departmental policies and contract provisions in order to
6 11 eliminate free t-shirt distribution, banner production, and
6 12 other unnecessary promotional expenditures.
6 13 2. HEALTHY CHILDREN AND FAMILIES
6 14 For promoting the optimum health status for children,
6 15 adolescents from birth through 21 years of age, and families,
6 16 and for not more than the following full-time equivalent
6 17 positions:
6 18 \$ 2,594,270
6 19 FTEs 11.00
6 20 a. Of the funds appropriated in this subsection, not more
6 21 than \$739,318 shall be used for the healthy opportunities to
6 22 experience success (HOPES)=healthy families Iowa (HFI) program
6 23 established pursuant to section 135.106. The funding shall
6 24 be distributed to renew the grants that were provided to the
6 25 grantees that operated the program during the fiscal year
6 26 ending June 30, 2011.
6 27 b. Of the funds appropriated in this subsection, \$329,885
6 28 shall be used to continue to address the healthy mental
6 29 development of children from birth through five years of age
6 30 through local evidence-based strategies that engage both the
6 31 public and private sectors in promoting healthy development,
6 32 prevention, and treatment for children. A portion of the
6 33 funds allocated in this lettered paragraph may be used for a
6 34 full-time equivalent position to coordinate the activities
6 35 under this paragraph.



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7 1 c. Of the funds appropriated in this subsection, \$31,597
7 2 shall be distributed to a statewide dental carrier to provide
7 3 funds to continue the donated dental services program patterned
7 4 after the projects developed by the dental lifeline network
7 5 to provide dental services to indigent elderly and disabled
7 6 individuals.
7 7 d. Of the funds appropriated in this subsection, \$112,677
7 8 shall be used for childhood obesity prevention.
7 9 e. Of the funds appropriated in this subsection, \$163,760
7 10 shall be used to provide audiological services and hearing
7 11 aids for children. The department may enter into a contract
7 12 to administer this paragraph.
7 13 3. CHRONIC CONDITIONS
7 14 For serving individuals identified as having chronic
7 15 conditions or special health care needs, and for not more than
7 16 the following full-time equivalent positions:
7 17 \$ 3,399,156
7 18 FTEs 5.00
7 19 a. Of the funds appropriated in this subsection, \$160,582
7 20 shall be used for grants to individual patients who have
7 21 phenylketonuria (PKU) to assist with the costs of necessary
7 22 special foods.
7 23 b. Of the funds appropriated in this subsection, \$483,600
7 24 is allocated for continuation of the contracts for resource
7 25 facilitator services in accordance with section 135.22B,
7 26 subsection 9, and for brain injury training services and
7 27 recruiting of service providers to increase the capacity within
7 28 this state to address the needs of individuals with brain
7 29 injuries and such individuals' families.
7 30 c. Of the funds appropriated in this subsection, \$498,874
7 31 shall be used as additional funding to leverage federal funding
7 32 through the federal Ryan White Care Act, Tit. II, AIDS drug
7 33 assistance program supplemental drug treatment grants.
7 34 d. Of the funds appropriated in this subsection, \$31,254
7 35 shall be used for the public purpose of providing a grant to an



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8 1 existing national=affiliated organization to provide education,
8 2 client=centered programs, and client and family support for
8 3 people living with epilepsy and their families.

8 4 e. Of the funds appropriated in this subsection, \$788,303
8 5 shall be used for child health specialty clinics.

8 6 f. Of the funds appropriated in this subsection, \$547,065
8 7 shall be used for the comprehensive cancer control program to
8 8 reduce the burden of cancer in Iowa through prevention, early
8 9 detection, effective treatment, and ensuring quality of life.

8 10 Of the funds allocated in this lettered paragraph, \$200,000
8 11 shall be used to support a melanoma research symposium, a
8 12 melanoma biorepository and registry, basic and translational
8 13 melanoma research, and clinical trials.

8 14 g. Of the funds appropriated in this subsection, \$126,450
8 15 shall be used for cervical and colon cancer screening.

8 16 h. Of the funds appropriated in this subsection, \$528,834
8 17 shall be used for the center for congenital and inherited
8 18 disorders. A portion of the funds allocated in this paragraph
8 19 may be used for one full=time equivalent position for
8 20 administration of the center.

8 21 i. Of the funds appropriated in this subsection, \$129,937
8 22 shall be used for the prescription drug donation repository
8 23 program created in chapter 135M.

8 24 4. COMMUNITY CAPACITY

8 25 For strengthening the health care delivery system at the
8 26 local level, and for not more than the following full=time
8 27 equivalent positions:

8 28	\$	4,826,699
8 29	FTEs	14.00

8 30 a. Of the funds appropriated in this subsection, \$100,000
8 31 is allocated for a child vision screening program implemented
8 32 through the university of Iowa hospitals and clinics in
8 33 collaboration with early childhood Iowa areas.

8 34 b. Of the funds appropriated in this subsection, \$111,308 is
8 35 allocated for continuation of an initiative implemented at the



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9 1 university of Iowa and \$100,493 is allocated for continuation
9 2 of an initiative at the state mental health institute at
9 3 Cherokee to expand and improve the workforce engaged in
9 4 mental health treatment and services. The initiatives shall
9 5 receive input from the university of Iowa, the department
9 6 of human services, the department of public health, and the
9 7 mental health, mental retardation, developmental disabilities,
9 8 and brain injury commission to address the focus of the
9 9 initiatives.

9 10 c. Of the funds appropriated in this subsection, \$1,171,491
9 11 shall be used for essential public health services that promote
9 12 healthy aging throughout the lifespan, contracted through a
9 13 formula for local boards of health, to enhance health promotion
9 14 and disease prevention services.

9 15 d. Of the funds appropriated in this section, \$121,817 shall
9 16 be deposited in the governmental public health system fund
9 17 created in section 135A.8 to be used for the purposes of the
9 18 fund.

9 19 e. Of the funds appropriated in this subsection, \$106,279
9 20 shall be used for the mental health professional shortage area
9 21 program implemented pursuant to section 135.80.

9 22 f. Of the funds appropriated in this subsection,
9 23 \$38,263 shall be used for a grant to a statewide association
9 24 of psychologists that is affiliated with the American
9 25 psychological association to be used for continuation of a
9 26 program to rotate intern psychologists in placements in urban
9 27 and rural mental health professional shortage areas, as defined
9 28 in section 135.80.

9 29 g. Of the funds appropriated in this subsection, the
9 30 following amounts shall be allocated to the Iowa collaborative
9 31 safety net provider network established pursuant to section
9 32 135.153 to be used for the purposes designated. The following
9 33 amounts allocated under this lettered paragraph shall be
9 34 distributed to the specified provider and shall not be reduced
9 35 for administrative or other costs prior to distribution:



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10 1 (1) For distribution to the Iowa primary care association
10 2 for statewide coordination of the Iowa collaborative safety net
10 3 provider network:
10 4 \$ 132,580
10 5 (2) For distribution to the Iowa family planning network
10 6 agencies for necessary infrastructure, statewide coordination,
10 7 provider recruitment, service delivery, and provision of
10 8 assistance to patients in determining an appropriate medical
10 9 home:
10 10 \$ 74,517
10 11 (3) For distribution to the local boards of health that
10 12 provide direct services for pilot programs in three counties to
10 13 assist patients in determining an appropriate medical home:
10 14 \$ 74,517
10 15 (4) For distribution to maternal and child health centers
10 16 for pilot programs in three counties to assist patients in
10 17 determining an appropriate medical home:
10 18 \$ 74,517
10 19 (5) For distribution to free clinics for necessary
10 20 infrastructure, statewide coordination, provider recruitment,
10 21 service delivery, and provision of assistance to patients in
10 22 determining an appropriate medical home:
10 23 \$ 124,050
10 24 (6) For distribution to rural health clinics for necessary
10 25 infrastructure, statewide coordination, provider recruitment,
10 26 service delivery, and provision of assistance to patients in
10 27 determining an appropriate medical home:
10 28 \$ 110,430
10 29 (7) For continuation of the safety net provider patient
10 30 access to specialty health care initiative as described in 2007
10 31 Iowa Acts, chapter 218, section 109:
10 32 \$ 260,000
10 33 (8) For continuation of the pharmaceutical infrastructure
10 34 for safety net providers as described in 2007 Iowa Acts,
10 35 chapter 218, section 108:



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11 1 \$ 270,000
11 2 The Iowa collaborative safety net provider network may
11 3 continue to distribute funds allocated pursuant to this
11 4 lettered paragraph through existing contracts or renewal of
11 5 existing contracts.
11 6 h. (1) Of the funds appropriated in this subsection,
11 7 \$149,000 shall be used for continued implementation of
11 8 the recommendations of the direct care worker task force
11 9 established pursuant to 2005 Iowa Acts, chapter 88, based upon
11 10 the report submitted to the governor and the general assembly
11 11 in December 2006. The department may use a portion of the
11 12 funds allocated in this lettered paragraph for an additional
11 13 position to assist in the continued implementation.
11 14 (2) It is the intent of the general assembly that a
11 15 board of direct care workers shall be established within the
11 16 department of public health by July 1, 2014, contingent upon
11 17 the availability of funds to establish and maintain the board.
11 18 (3) The direct care worker advisory council shall submit
11 19 a final report no later than March 1, 2012, to the governor
11 20 and the general assembly, in accordance with 2010 Iowa
11 21 Acts, chapter 1192, section 2, subsection 4, paragraph "h",
11 22 subparagraph (3).
11 23 (4) The department of public health shall report to the
11 24 persons designated in this Act for submission of reports
11 25 regarding use of the funds allocated in this lettered
11 26 paragraph, on or before January 15, 2012.
11 27 i. (1) Of the funds appropriated in this subsection,
11 28 \$130,100 shall be used for allocation to an independent
11 29 statewide direct care worker association for education,
11 30 outreach, leadership development, mentoring, and other
11 31 initiatives intended to enhance the recruitment and retention
11 32 of direct care workers in health care and long-term care
11 33 settings.
11 34 (2) Of the funds appropriated in this subsection, \$58,000
11 35 shall be used to provide scholarships or other forms of



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12 1 subsidization for direct care worker educational conferences,
12 2 training, or outreach activities.

12 3 j. The department may utilize one of the full-time
12 4 equivalent positions authorized in this subsection for
12 5 administration of the activities related to the Iowa
12 6 collaborative safety net provider network.

12 7 k. Of the funds appropriated in this subsection, the
12 8 department may use up to \$60,000 for up to one full-time
12 9 equivalent position to administer the volunteer health care
12 10 provider program pursuant to section 135.24.

12 11 l. Of the funds appropriated in this subsection, \$50,000
12 12 shall be used for a matching dental education loan repayment
12 13 program to be allocated to a dental nonprofit health service
12 14 corporation to develop the criteria and implement the loan
12 15 repayment program.

12 16 m. Of the funds appropriated in this subsection, up to
12 17 \$134,214 shall be used to support the department's activities
12 18 relating to health and long-term care access as specified
12 19 pursuant to chapter 135, division XXIV.

12 20 n. Of the funds appropriated in this subsection,
12 21 \$363,987 shall be used as state matching funds for the health
12 22 information network as enacted by this Act.

12 23 o. Of the funds appropriated in this subsection, \$25,000
12 24 shall be used for a pilot program established through a
12 25 grant to an organization that has an existing program for
12 26 children and adults and that is solely dedicated to preserving
12 27 sight and preventing blindness to provide vision screening
12 28 to elementary school children in one urban and one rural
12 29 school district in the state, on a voluntary basis, over a
12 30 multiyear period. The grantee organization shall develop
12 31 protocol for participating schools including the grade level
12 32 of the children to be screened, the training and certification
12 33 necessary for individuals conducting the vision screening,
12 34 vision screening equipment requirements, and documentation and
12 35 tracking requirements. Following the conclusion of the pilot



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13 1 program, the grantee organization shall report findings and
13 2 recommendations for statewide implementation of the vision
13 3 screening program to the department of public health.
13 4 5. HEALTHY AGING
13 5 To provide public health services that reduce risks and
13 6 invest in promoting and protecting good health over the
13 7 course of a lifetime with a priority given to older Iowans and
13 8 vulnerable populations:
13 9 \$ 7,336,142
13 10 a. Of the funds appropriated in this subsection, \$2,009,187
13 11 shall be used for local public health nursing services.
13 12 b. Of the funds appropriated in this subsection, \$5,326,955
13 13 shall be used for home care aide services.
13 14 6. ENVIRONMENTAL HAZARDS
13 15 For reducing the public's exposure to hazards in the
13 16 environment, primarily chemical hazards, and for not more than
13 17 the following full-time equivalent positions:
13 18 \$ 813,777
13 19 FTEs 4.00
13 20 Of the funds appropriated in this subsection, \$544,377 shall
13 21 be used for childhood lead poisoning provisions.
13 22 7. INFECTIOUS DISEASES
13 23 For reducing the incidence and prevalence of communicable
13 24 diseases, and for not more than the following full-time
13 25 equivalent positions:
13 26 \$ 1,345,847
13 27 FTEs 4.00
13 28 8. PUBLIC PROTECTION
13 29 For protecting the health and safety of the public through
13 30 establishing standards and enforcing regulations, and for not
13 31 more than the following full-time equivalent positions:
13 32 \$ 2,778,688
13 33 FTEs 125.00
13 34 a. Of the funds appropriated in this subsection, not more
13 35 than \$424,146 shall be credited to the emergency medical



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14 1 services fund created in section 135.25. Moneys in the
14 2 emergency medical services fund are appropriated to the
14 3 department to be used for the purposes of the fund.
14 4 b. Of the funds appropriated in this subsection, \$210,619
14 5 shall be used for sexual violence prevention programming
14 6 through a statewide organization representing programs serving
14 7 victims of sexual violence through the department's sexual
14 8 violence prevention program. The amount allocated in this
14 9 lettered paragraph shall not be used to supplant funding
14 10 administered for other sexual violence prevention or victims
14 11 assistance programs.
14 12 c. Of the funds appropriated in this subsection, not more
14 13 than \$436,582 shall be used for the state poison control
14 14 center.
14 15 d. Of the funds appropriated in this subsection, \$50,000
14 16 shall be used for education, testing, training, and other costs
14 17 to conform the requirements for certification of emergency
14 18 medical care providers with national standards.
14 19 9. RESOURCE MANAGEMENT
14 20 For establishing and sustaining the overall ability of the
14 21 department to deliver services to the public, and for not more
14 22 than the following full-time equivalent positions:
14 23 \$ 819,554
14 24 FTEs 7.00
14 25 The university of Iowa hospitals and clinics under the
14 26 control of the state board of regents shall not receive
14 27 indirect costs from the funds appropriated in this section.
14 28 The university of Iowa hospitals and clinics billings to the
14 29 department shall be on at least a quarterly basis.
14 30 DIVISION III
14 31 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2011=2012
14 32 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
14 33 appropriated from the general fund of the state to the
14 34 department of veterans affairs for the fiscal year beginning
14 35 July 1, 2011, and ending June 30, 2012, the following amounts,



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15 1 or so much thereof as is necessary, to be used for the purposes
15 2 designated:

15 3 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

15 4 For salaries, support, maintenance, and miscellaneous
15 5 purposes, including the war orphans educational assistance fund
15 6 created in section 35.8, and for not more than the following
15 7 full-time equivalent positions:

15 8 \$ 998,832

15 9 FTEs 16.34

15 10 2. IOWA VETERANS HOME

15 11 For salaries, support, maintenance, and miscellaneous
15 12 purposes:

15 13 \$ 8,952,151

15 14 a. The Iowa veterans home billings involving the department
15 15 of human services shall be submitted to the department on at
15 16 least a monthly basis.

15 17 b. If there is a change in the employer of employees
15 18 providing services at the Iowa veterans home under a collective
15 19 bargaining agreement, such employees and the agreement shall
15 20 be continued by the successor employer as though there had not
15 21 been a change in employer.

15 22 c. Within available resources and in conformance with
15 23 associated state and federal program eligibility requirements,
15 24 the Iowa veterans home may implement measures to provide
15 25 financial assistance to or on behalf of veterans or their
15 26 spouses participating in the community reentry program.

15 27 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF DECEASED
15 28 VETERANS

15 29 For provision of educational assistance pursuant to section
15 30 35.9:

15 31 \$ 12,416

15 32 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
15 33 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
15 34 appropriation in the following designated section for the
15 35 fiscal year beginning July 1, 2011, and ending June 30, 2012,



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16 1 the amounts appropriated from the general fund of the state
16 2 pursuant to that section for the following designated purposes
16 3 shall not exceed the following amount:
16 4 For the county commissions of veterans affairs fund under
16 5 section 35A.16:
16 6 \$ 990,000
16 7
16 8 DIVISION IV
16 9 DEPARTMENT OF HUMAN SERVICES ==== FY 2011=2012
16 10 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
16 11 GRANT. There is appropriated from the fund created in section
16 12 8.41 to the department of human services for the fiscal year
16 13 beginning July 1, 2011, and ending June 30, 2012, from moneys
16 14 received under the federal temporary assistance for needy
16 15 families (TANF) block grant pursuant to the federal Personal
16 16 Responsibility and Work Opportunity Reconciliation Act of 1996,
16 17 Pub. L. No. 104=193, and successor legislation, and from moneys
16 18 received under the emergency contingency fund for temporary
16 19 assistance for needy families state program established
16 20 pursuant to the federal American Recovery and Reinvestment Act
16 21 of 2009, Pub. L. No. 111=5 { 2101, and successor legislation,
16 22 the following amounts, or so much thereof as is necessary, to
16 23 be used for the purposes designated:
16 24 1. To be credited to the family investment program account
16 25 and used for assistance under the family investment program
16 26 under chapter 239B:
16 27 \$ 21,500,738
16 28 2. To be credited to the family investment program account
16 29 and used for the job opportunities and basic skills (JOBS)
16 30 program and implementing family investment agreements in
16 31 accordance with chapter 239B:
16 32 \$ 12,411,528
16 33 3. To be used for the family development and
16 34 self=sufficiency grant program in accordance with section
16 35 216A.107:
16 \$ 2,898,980



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17 1 Notwithstanding section 8.33, moneys appropriated in this
17 2 subsection that remain unencumbered or unobligated at the close
17 3 of the fiscal year shall not revert but shall remain available
17 4 for expenditure for the purposes designated until the close of
17 5 the succeeding fiscal year. However, unless such moneys are
17 6 encumbered or obligated on or before September 30, 2012, the
17 7 moneys shall revert.

17 8 4. For field operations:
17 9 \$ 31,296,232

17 10 5. For general administration:
17 11 \$ 3,744,000

17 12 6. For state child care assistance:
17 13 \$ 16,382,687

17 14 The funds appropriated in this subsection shall be
17 15 transferred to the child care and development block grant
17 16 appropriation made by the Eighty=fourth General Assembly, 2011
17 17 Session, for the federal fiscal year beginning October 1,
17 18 2011, and ending September 30, 2012. Of this amount, \$200,000
17 19 shall be used for provision of educational opportunities to
17 20 registered child care home providers in order to improve
17 21 services and programs offered by this category of providers
17 22 and to increase the number of providers. The department may
17 23 contract with institutions of higher education or child care
17 24 resource and referral centers to provide the educational
17 25 opportunities. Allowable administrative costs under the
17 26 contracts shall not exceed 5 percent. The application for a
17 27 grant shall not exceed two pages in length.

17 28 7. For mental health and developmental disabilities
17 29 community services:
17 30 \$ 4,894,052

17 31 8. For child and family services:
17 32 \$ 32,084,430

17 33 9. For child abuse prevention grants:
17 34 \$ 125,000

17 35 10. For pregnancy prevention grants on the condition that



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18 1 family planning services are funded:
18 2 \$ 1,930,067
18 3 Pregnancy prevention grants shall be awarded to programs
18 4 in existence on or before July 1, 2011, if the programs are
18 5 comprehensive in scope and have demonstrated positive outcomes.
18 6 Grants shall be awarded to pregnancy prevention programs
18 7 which are developed after July 1, 2011, if the programs are
18 8 comprehensive in scope and are based on existing models that
18 9 have demonstrated positive outcomes. Grants shall comply with
18 10 the requirements provided in 1997 Iowa Acts, chapter 208,
18 11 section 14, subsections 1 and 2, including the requirement that
18 12 grant programs must emphasize sexual abstinence. Priority in
18 13 the awarding of grants shall be given to programs that serve
18 14 areas of the state which demonstrate the highest percentage of
18 15 unplanned pregnancies of females of childbearing age within the
18 16 geographic area to be served by the grant.
18 17 11. For technology needs and other resources necessary
18 18 to meet federal welfare reform reporting, tracking, and case
18 19 management requirements:
18 20 \$ 1,037,186
18 21 12. To be credited to the state child care assistance
18 22 appropriation made in this section to be used for funding of
18 23 community-based early childhood programs targeted to children
18 24 from birth through five years of age developed by early
18 25 childhood Iowa areas as provided in section 256I.11:
18 26 \$ 6,350,000
18 27 The department shall transfer TANF block grant funding
18 28 appropriated and allocated in this subsection to the child care
18 29 and development block grant appropriation in accordance with
18 30 federal law as necessary to comply with the provisions of this
18 31 subsection.
18 32 13. a. Notwithstanding any provision to the contrary,
18 33 including but not limited to requirements in section 8.41
18 34 or provisions in 2010 Iowa Acts regarding the receipt and
18 35 appropriation of federal block grants, federal funds from the



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19 1 emergency contingency fund for temporary assistance for needy
19 2 families state program established pursuant to the federal
19 3 American Recovery and Reinvestment Act of 2009, Pub. L. No.
19 4 111=5 { 2101, received by the state during the fiscal year
19 5 beginning July 1, 2010, and ending June 30, 2011, not otherwise
19 6 appropriated in this section and remaining available as of
19 7 July 1, 2011, and received by the state during the fiscal
19 8 year beginning July 1, 2011, and ending June 30, 2012, are
19 9 appropriated to the extent as may be necessary to be used in
19 10 the following priority order: the family investment program
19 11 for the fiscal year and for state child care assistance program
19 12 payments for individuals enrolled in the family investment
19 13 program who are employed. The federal funds appropriated in
19 14 this paragraph "a" shall be expended only after all other
19 15 funds appropriated in subsection 1 for the assistance under
19 16 the family investment program under chapter 239B have been
19 17 expended.

19 18 b. The department shall, on a quarterly basis, advise the
19 19 legislative services agency and department of management of
19 20 the amount of funds appropriated in this subsection that was
19 21 expended in the prior quarter.

19 22 14. Of the amounts appropriated in this section,
19 23 \$12,962,008 for the fiscal year beginning July 1, 2011, shall
19 24 be transferred to the appropriation of the federal social
19 25 services block grant made for that fiscal year.

19 26 15. For continuation of the program allowing the department
19 27 to maintain categorical eligibility for the food assistance
19 28 program as required under the section of this division relating
19 29 to the family investment account:

19 30 \$ 146,072

19 31 16. The department may transfer funds allocated in this
19 32 section to the appropriations made in this Act for general
19 33 administration and field operations for resources necessary to
19 34 implement and operate the services referred to in this section
19 35 and those funded in the appropriation made in this division of



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20 1 this Act for the family investment program from the general
20 2 fund of the state.

20 3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

20 4 1. Moneys credited to the family investment program (FIP)
20 5 account for the fiscal year beginning July 1, 2011, and
20 6 ending June 30, 2012, shall be used to provide assistance in
20 7 accordance with chapter 239B.

20 8 2. The department may use a portion of the moneys credited
20 9 to the FIP account under this section as necessary for
20 10 salaries, support, maintenance, and miscellaneous purposes.

20 11 3. The department may transfer funds allocated in
20 12 this section to the appropriations in this Act for general
20 13 administration and field operations for resources necessary to
20 14 implement and operate the services referred to in this section
20 15 and those funded in the appropriation made in this division of
20 16 this Act for the family investment program from the general
20 17 fund of the state.

20 18 4. Moneys appropriated in this division of this Act and
20 19 credited to the FIP account for the fiscal year beginning July
20 20 1, 2011, and ending June 30, 2012, are allocated as follows:

20 21 a. To be retained by the department of human services to
20 22 be used for coordinating with the department of human rights
20 23 to more effectively serve participants in the FIP program and
20 24 other shared clients and to meet federal reporting requirements
20 25 under the federal temporary assistance for needy families block
20 26 grant:

20 27 \$ 20,000

20 28 b. To the department of human rights for staffing,
20 29 administration, and implementation of the family development
20 30 and self=sufficiency grant program in accordance with section
20 31 216A.107:

20 32 \$ 5,342,834

20 33 (1) Of the funds allocated for the family development and
20 34 self=sufficiency grant program in this lettered paragraph,
20 35 not more than 5 percent of the funds shall be used for the



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21 1 administration of the grant program.
21 2 (2) The department of human rights may continue to implement
21 3 the family development and self=sufficiency grant program
21 4 statewide during fiscal year 2011=2012.
21 5 c. For the diversion subaccount of the FIP account:
21 6 \$ 1,698,400
21 7 A portion of the moneys allocated for the subaccount may
21 8 be used for field operations salaries, data management system
21 9 development, and implementation costs and support deemed
21 10 necessary by the director of human services in order to
21 11 administer the FIP diversion program.
21 12 d. For the food stamp employment and training program:
21 13 \$ 66,588
21 14 (1) The department shall amend the food stamp employment and
21 15 training state plan in order to maximize to the fullest extent
21 16 permitted by federal law the use of the 50=50 match provisions
21 17 for the claiming of allowable federal matching funds from the
21 18 United States department of agriculture pursuant to the federal
21 19 food stamp employment and training program for providing
21 20 education, employment, and training services for eligible food
21 21 assistance program participants, including but not limited to
21 22 related dependent care and transportation expenses.
21 23 (2) The department shall continue the categorical federal
21 24 food assistance program eligibility at 160 percent of the
21 25 federal poverty level and continue to eliminate the asset test
21 26 from eligibility requirements, consistent with federal food
21 27 assistance program requirements. The department shall include
21 28 as many food assistance households as is allowed by federal
21 29 law. The eligibility provisions shall conform to all federal
21 30 requirements including requirements addressing individuals who
21 31 are incarcerated or otherwise ineligible.
21 32 e. For the JOBS program:
21 33 \$ 20,235,905
21 34 5. Of the child support collections assigned under FIP,
21 35 an amount equal to the federal share of support collections



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22 1 shall be credited to the child support recovery appropriation
22 2 made in this division of this Act. Of the remainder of the
22 3 assigned child support collections received by the child
22 4 support recovery unit, a portion shall be credited to the FIP
22 5 account, a portion may be used to increase recoveries, and a
22 6 portion may be used to sustain cash flow in the child support
22 7 payments account. If as a consequence of the appropriations
22 8 and allocations made in this section the resulting amounts
22 9 are insufficient to sustain cash assistance payments and meet
22 10 federal maintenance of effort requirements, the department
22 11 shall seek supplemental funding. If child support collections
22 12 assigned under FIP are greater than estimated or are otherwise
22 13 determined not to be required for maintenance of effort, the
22 14 state share of either amount may be transferred to or retained
22 15 in the child support payment account.

22 16 6. The department may adopt emergency rules for the family
22 17 investment, JOBS, food stamp, and medical assistance programs
22 18 if necessary to comply with federal requirements.

22 19 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
22 20 is appropriated from the general fund of the state to the
22 21 department of human services for the fiscal year beginning July
22 22 1, 2011, and ending June 30, 2012, the following amount, or
22 23 so much thereof as is necessary, to be used for the purpose
22 24 designated:

22 25 To be credited to the family investment program (FIP)
22 26 account and used for family investment program assistance under
22 27 chapter 239B:

22 28 \$ 50,171,027

22 29 1. Of the funds appropriated in this section, \$7,824,377 is
22 30 allocated for the JOBS program.

22 31 2. Of the funds appropriated in this section, \$2,463,854 is
22 32 allocated for the family development and self-sufficiency grant
22 33 program.

22 34 3. Notwithstanding section 8.39, for the fiscal year
22 35 beginning July 1, 2011, if necessary to meet federal



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23 1 maintenance of effort requirements or to transfer federal
23 2 temporary assistance for needy families block grant funding
23 3 to be used for purposes of the federal social services block
23 4 grant or to meet cash flow needs resulting from delays in
23 5 receiving federal funding or to implement, in accordance with
23 6 this division of this Act, activities currently funded with
23 7 juvenile court services, county, or community moneys and state
23 8 moneys used in combination with such moneys, the department
23 9 of human services may transfer funds within or between any
23 10 of the appropriations made in this division of this Act and
23 11 appropriations in law for the federal social services block
23 12 grant to the department for the following purposes, provided
23 13 that the combined amount of state and federal temporary
23 14 assistance for needy families block grant funding for each
23 15 appropriation remains the same before and after the transfer:
23 16 a. For the family investment program.
23 17 b. For child care assistance.
23 18 c. For child and family services.
23 19 d. For field operations.
23 20 e. For general administration.
23 21 f. MH/MR/DD/BI community services (local purchase).
23 22 This subsection shall not be construed to prohibit the use
23 23 of existing state transfer authority for other purposes. The
23 24 department shall report any transfers made pursuant to this
23 25 subsection to the legislative services agency.
23 26 4. Of the funds appropriated in this section, \$195,678 shall
23 27 be used for continuation of a grant to an Iowa-based nonprofit
23 28 organization with a history of providing tax preparation
23 29 assistance to low-income Iowans in order to expand the usage of
23 30 the earned income tax credit. The purpose of the grant is to
23 31 supply this assistance to underserved areas of the state.
23 32 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
23 33 from the general fund of the state to the department of human
23 34 services for the fiscal year beginning July 1, 2011, and ending
23 35 June 30, 2012, the following amount, or so much thereof as is



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24 1 necessary, to be used for the purposes designated:
24 2 For child support recovery, including salaries, support,
24 3 maintenance, and miscellaneous purposes, and for not more than
24 4 the following full-time equivalent positions:
24 5 \$ 13,119,255
24 6 FTEs 475.00
24 7 1. The department shall expend up to \$24,329, including
24 8 federal financial participation, for the fiscal year beginning
24 9 July 1, 2011, for a child support public awareness campaign.
24 10 The department and the office of the attorney general shall
24 11 cooperate in continuation of the campaign. The public
24 12 awareness campaign shall emphasize, through a variety of
24 13 media activities, the importance of maximum involvement of
24 14 both parents in the lives of their children as well as the
24 15 importance of payment of child support obligations.
24 16 2. Federal access and visitation grant moneys shall be
24 17 issued directly to private not-for-profit agencies that provide
24 18 services designed to increase compliance with the child access
24 19 provisions of court orders, including but not limited to
24 20 neutral visitation sites and mediation services.
24 21 3. The appropriation made to the department for child
24 22 support recovery may be used throughout the fiscal year in the
24 23 manner necessary for purposes of cash flow management, and for
24 24 cash flow management purposes the department may temporarily
24 25 draw more than the amount appropriated, provided the amount
24 26 appropriated is not exceeded at the close of the fiscal year.
24 27 4. With the exception of the funding amount specified, the
24 28 requirements established under 2001 Iowa Acts, chapter 191,
24 29 section 3, subsection 5, paragraph "c", subparagraph (3), shall
24 30 be applicable to parental obligation pilot projects for the
24 31 fiscal year beginning July 1, 2011, and ending June 30, 2012.
24 32 Notwithstanding 441 IAC 100.8, providing for termination of
24 33 rules relating to the pilot projects, the rules shall remain
24 34 in effect until June 30, 2012.
24 35 Sec. 9. HEALTH CARE TRUST FUND ==== MEDICAL ASSISTANCE. Any



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25 1 funds remaining in the health care trust fund created in
25 2 section 453A.35A for the fiscal year beginning July 1, 2011,
25 3 and ending June 30, 2012, are appropriated to the department
25 4 of human services to supplement the medical assistance program
25 5 appropriations made in this Act, for medical assistance
25 6 reimbursement and associated costs, including program
25 7 administration and costs associated with implementation.
25 8 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the
25 9 general fund of the state to the department of human services
25 10 for the fiscal year beginning July 1, 2011, and ending June 30,
25 11 2012, the following amount, or so much thereof as is necessary,
25 12 to be used for the purpose designated:
25 13 For medical assistance reimbursement and associated costs
25 14 as specifically provided in the reimbursement methodologies
25 15 in effect on June 30, 2011, except as otherwise expressly
25 16 authorized by law, including reimbursement for abortion
25 17 services which shall be available under the medical assistance
25 18 program only for those abortions which are medically necessary:
25 19 \$897,816,915
25 20 1. Medically necessary abortions are those performed under
25 21 any of the following conditions:
25 22 a. The attending physician certifies that continuing the
25 23 pregnancy would endanger the life of the pregnant woman.
25 24 b. The attending physician certifies that the fetus is
25 25 physically deformed, mentally deficient, or afflicted with a
25 26 congenital illness.
25 27 c. The pregnancy is the result of a rape which is reported
25 28 within 45 days of the incident to a law enforcement agency or
25 29 public or private health agency which may include a family
25 30 physician.
25 31 d. The pregnancy is the result of incest which is reported
25 32 within 150 days of the incident to a law enforcement agency
25 33 or public or private health agency which may include a family
25 34 physician.
25 35 e. Any spontaneous abortion, commonly known as a



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26 1 miscarriage, if not all of the products of conception are
26 2 expelled.

26 3 2. The department shall utilize not more than \$60,000 of
26 4 the funds appropriated in this section to continue the AIDS/HIV
26 5 health insurance premium payment program as established in 1992
26 6 Iowa Acts, Second Extraordinary Session, chapter 1001, section
26 7 409, subsection 6. Of the funds allocated in this subsection,
26 8 not more than \$5,000 may be expended for administrative
26 9 purposes.

26 10 3. Of the funds appropriated in this Act to the department
26 11 of public health for addictive disorders, \$950,000 for the
26 12 fiscal year beginning July 1, 2011, shall be transferred to
26 13 the department of human services for an integrated substance
26 14 abuse managed care system. The department shall not assume
26 15 management of the substance abuse system in place of the
26 16 managed care contractor unless such a change in approach is
26 17 specifically authorized in law. The departments of human
26 18 services and public health shall work together to maintain
26 19 the level of mental health and substance abuse services
26 20 provided by the managed care contractor through the Iowa plan
26 21 for behavioral health. Each department shall take the steps
26 22 necessary to continue the federal waivers as necessary to
26 23 maintain the level of services.

26 24 4. a. The department shall aggressively pursue options for
26 25 providing medical assistance or other assistance to individuals
26 26 with special needs who become ineligible to continue receiving
26 27 services under the early and periodic screening, diagnostic,
26 28 and treatment program under the medical assistance program
26 29 due to becoming 21 years of age who have been approved for
26 30 additional assistance through the department's exception to
26 31 policy provisions, but who have health care needs in excess
26 32 of the funding available through the exception to policy
26 33 provisions.

26 34 b. Of the funds appropriated in this section, \$100,000
26 35 shall be used for participation in one or more pilot projects



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27 1 operated by a private provider to allow the individual or
27 2 individuals to receive service in the community in accordance
27 3 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
27 4 (1999), for the purpose of providing medical assistance or
27 5 other assistance to individuals with special needs who become
27 6 ineligible to continue receiving services under the early and
27 7 periodic screening, diagnosis, and treatment program under
27 8 the medical assistance program due to becoming 21 years of
27 9 age who have been approved for additional assistance through
27 10 the department's exception to policy provisions, but who have
27 11 health care needs in excess of the funding available through
27 12 the exception to the policy provisions.

27 13 5. Of the funds appropriated in this section, up to
27 14 \$3,050,082 may be transferred to the field operations
27 15 or general administration appropriations in this Act for
27 16 operational costs associated with Part D of the federal
27 17 Medicare Prescription Drug Improvement and Modernization Act
27 18 of 2003, Pub. L. No. 108=173.

27 19 6. Of the funds appropriated in this section, up to \$442,100
27 20 may be transferred to the appropriation in this Act for medical
27 21 contracts to be used for clinical assessment services and prior
27 22 authorization of services.

27 23 7. A portion of the funds appropriated in this section
27 24 may be transferred to the appropriations in this division of
27 25 this Act for general administration, medical contracts, the
27 26 children's health insurance program, or field operations to be
27 27 used for the state match cost to comply with the payment error
27 28 rate measurement (PERM) program for both the medical assistance
27 29 and children's health insurance programs as developed by the
27 30 centers for Medicare and Medicaid services of the United States
27 31 department of health and human services to comply with the
27 32 federal Improper Payments Information Act of 2002, Pub. L. No.
27 33 107=300.

27 34 8. It is the intent of the general assembly that the
27 35 department continue to implement the recommendations of



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28 1 the assuring better child health and development initiative
28 2 II (ABCDII) clinical panel to the Iowa early and periodic
28 3 screening, diagnostic, and treatment services healthy mental
28 4 development collaborative board regarding changes to billing
28 5 procedures, codes, and eligible service providers.
28 6 9. Of the funds appropriated in this section, a sufficient
28 7 amount is allocated to supplement the incomes of residents of
28 8 nursing facilities, intermediate care facilities for persons
28 9 with mental illness, and intermediate care facilities for
28 10 persons with mental retardation, with incomes of less than \$50
28 11 in the amount necessary for the residents to receive a personal
28 12 needs allowance of \$50 per month pursuant to section 249A.30A.
28 13 10. Of the funds appropriated in this section, the following
28 14 amounts shall be transferred to the appropriations made in this
28 15 division of this Act for the state mental health institutes:
28 16 a. Cherokee mental health institute \$ 9,098,425
28 17 b. Clarinda mental health institute \$ 1,977,305
28 18 c. Independence mental health institute \$ 9,045,894
28 19 d. Mount Pleasant mental health institute \$ 5,752,587
28 20 11. a. Of the funds appropriated in this section,
28 21 \$7,425,684 is allocated for the state match for a
28 22 disproportionate share hospital payment of \$19,133,430 to
28 23 hospitals that meet both of the conditions specified in
28 24 subparagraphs (1) and (2). In addition, the hospitals that
28 25 meet the conditions specified shall either certify public
28 26 expenditures or transfer to the medical assistance program
28 27 an amount equal to provide the nonfederal share for a
28 28 disproportionate share hospital payment of \$7,500,000. The
28 29 hospitals that meet the conditions specified shall receive and
28 30 retain 100 percent of the total disproportionate share hospital
28 31 payment of \$26,633,430.
28 32 (1) The hospital qualifies for disproportionate share and
28 33 graduate medical education payments.
28 34 (2) The hospital is an Iowa state-owned hospital with more
28 35 than 500 beds and eight or more distinct residency specialty



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29 1 or subspecialty programs recognized by the American college of
29 2 graduate medical education.

29 3 b. Distribution of the disproportionate share payments
29 4 shall be made on a monthly basis. The total amount of
29 5 disproportionate share payments including graduate medical
29 6 education, enhanced disproportionate share, and Iowa
29 7 state-owned teaching hospital payments shall not exceed the
29 8 amount of the state's allotment under Pub. L. No. 102=234.

29 9 In addition, the total amount of all disproportionate
29 10 share payments shall not exceed the hospital-specific
29 11 disproportionate share limits under Pub. L. No. 103=66.

29 12 12. The university of Iowa hospitals and clinics shall
29 13 either certify public expenditures or transfer to the medical
29 14 assistance appropriation an amount equal to provide the
29 15 nonfederal share for increased medical assistance payments for
29 16 inpatient and outpatient hospital services of \$9,900,000. The
29 17 university of Iowa hospitals and clinics shall receive and
29 18 retain 100 percent of the total increase in medical assistance
29 19 payments.

29 20 13. Of the funds appropriated in this section, up to
29 21 \$4,480,304 may be transferred to the IowaCare account created
29 22 in section 249J.24.

29 23 14. Of the funds appropriated in this section, \$200,000
29 24 shall be used for the Iowa chronic care consortium pursuant to
29 25 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
29 26 Iowa Acts, chapter 179, sections 166 and 167.

29 27 15. One hundred percent of the nonfederal share of payments
29 28 to area education agencies that are medical assistance
29 29 providers for medical assistance-covered services provided to
29 30 medical assistance-covered children, shall be made from the
29 31 appropriation made in this section.

29 32 16. Any new or renewed contract entered into by the
29 33 department with a third party to administer behavioral health
29 34 services under the medical assistance program shall provide
29 35 that any interest earned on payments from the state during



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30 1 the state fiscal year shall be remitted to the department
30 2 and treated as recoveries to offset the costs of the medical
30 3 assistance program.

30 4 17. The department shall continue to implement the
30 5 provisions in 2007 Iowa Acts, chapter 218, section 124 and
30 6 section 126, as amended by 2008 Iowa Acts, chapter 1188,
30 7 section 55, relating to eligibility for certain persons with
30 8 disabilities under the medical assistance program in accordance
30 9 with the federal family opportunity Act.

30 10 18. A portion of the funds appropriated in this section
30 11 may be transferred to the appropriation in this division of
30 12 this Act for medical contracts to be used for administrative
30 13 activities associated with the money follows the person
30 14 demonstration project.

30 15 19. Of the funds appropriated in this section, \$349,011
30 16 shall be used for the administration of the health insurance
30 17 premium payment program, including salaries, support,
30 18 maintenance, and miscellaneous purposes for the fiscal year
30 19 beginning July 1, 2011.

30 20 20. a. The department may implement cost containment
30 21 strategies recommended by the governor, and may adopt emergency
30 22 rules for such implementation.

30 23 b. The department shall not implement the cost containment
30 24 strategy to require a primary care referral for the provision
30 25 of chiropractic services.

30 26 c. The department may increase the amounts allocated for
30 27 salaries, support, maintenance, and miscellaneous purposes
30 28 associated with the medical assistance program, as necessary,
30 29 to implement the cost containment strategies. The department
30 30 shall report any such increase to the legislative services
30 31 agency and the department of management.

30 32 d. If the savings to the medical assistance program exceed
30 33 the cost, the department may transfer any savings generated
30 34 for the fiscal year due to medical assistance program cost
30 35 containment efforts initiated pursuant to 2010 Iowa Acts,



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31 1 chapter 1031, Executive Order No. 20, issued December 16, 2009,
31 2 or cost containment strategies initiated pursuant to this
31 3 subsection, to the appropriation made in this division of this
31 4 Act for medical contracts or general administration to defray
31 5 the increased contract costs associated with implementing such
31 6 efforts.

31 7 e. The department shall report the implementation of
31 8 any cost containment strategies under this subsection to
31 9 the individuals specified in this division of this Act for
31 10 submission of reports on a quarterly basis.

31 11 21. Notwithstanding any provision of law to the contrary,
31 12 the department of human services shall amend the section
31 13 1915(b) waiver and Iowa plan contract to include remedial
31 14 services under the Iowa plan contract effective July 1, 2011.

31 15 22. Of the funds appropriated in this section, \$5,000,000
31 16 shall be used to reduce the waiting lists of the medical
31 17 assistance home and community-based services waivers, including
31 18 the waiver for persons with intellectual disabilities for
31 19 which the nonfederal share is paid as state case services and
31 20 other support pursuant to section 331.440. The department
31 21 shall distribute the funding allocated under this subsection
31 22 proportionately among all home and community-based services
31 23 waivers.

31 24 23. a. The department may submit medical assistance program
31 25 state plan amendments to the centers for Medicare and Medicaid
31 26 services of the United States department of health and human
31 27 services, and may adopt administrative rules pursuant to
31 28 chapter 17A to implement any of the following if the respective
31 29 state plan amendment is approved:

31 30 (1) Health homes pursuant to section 2703 of the federal
31 31 Patient Protection and Affordable Care Act, Pub. L. No.
31 32 111-148. The department shall collaborate with the medical
31 33 home system advisory council created pursuant to section
31 34 135.159 in developing such health homes.

31 35 (2) Accountable care organization pilot programs, if such



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32 1 programs are advantageous to the medical assistance program.

32 2 b. Any health home or accountable care organization
32 3 pilot program implemented pursuant to this subsection shall
32 4 demonstrate value to the state with a positive return on
32 5 investment within two years of implementation, and may utilize
32 6 care coordination fees, pay=for=performance fees, or shared
32 7 saving strategies if approved as part of the state plan
32 8 amendment.

32 9 24. The department, in consultation with the Iowa pharmacy
32 10 association and other appropriate entities, shall develop
32 11 recommendations to replace the reimbursement methodology of
32 12 average wholesale price minus 12 percent for covered brand=name
32 13 prescription drugs, generic drugs, and over=the=counter drugs.
32 14 The department shall report the recommendations to the persons
32 15 designated in this division of this Act for submission of
32 16 reports by December 15, 2011.

32 17 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the
32 18 general fund of the state to the department of human services
32 19 for the fiscal year beginning July 1, 2011, and ending June 30,
32 20 2012, the following amount, or so much thereof as is necessary,
32 21 to be used for the purpose designated:

32 22 For medical contracts:

32 23 \$ 9,893,844

32 24 1. The department of inspections and appeals shall
32 25 provide all state matching funds for survey and certification
32 26 activities performed by the department of inspections
32 27 and appeals. The department of human services is solely
32 28 responsible for distributing the federal matching funds for
32 29 such activities.

32 30 2. Of the funds appropriated in this section, \$150,000 shall
32 31 be used for implementation of a uniform cost report to be used
32 32 in the development of specified Medicaid reimbursement rates
32 33 over a multiyear timeframe. The department of human services,
32 34 in collaboration with affected providers, shall finalize a
32 35 uniform cost report that includes provider type=specific cost



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33 1 schedules by December 15, 2011. The uniform cost report shall
33 2 be applied to providers of home and community-based services
33 3 waiver services, habilitation services, case management
33 4 services and community mental health centers, residential care
33 5 facilities, psychiatric medical institutions for children, and
33 6 intermediate care facilities for the mentally retarded in the
33 7 development of Medicaid reimbursement rates. The department
33 8 shall collaborate with affected Medicaid providers to test
33 9 the effectiveness of the cost report and determine the fiscal
33 10 impact of implementing the uniform cost report during the
33 11 fiscal year beginning July 1, 2012. A report of the findings
33 12 and fiscal impact shall be submitted to the governor and the
33 13 general assembly by December 31, 2013. The rates paid in the
33 14 fiscal year beginning July 1, 2014, shall be established using
33 15 uniform cost reports submitted in the fiscal year beginning
33 16 July 1, 2012. Implementation of the uniform cost report shall
33 17 be limited to the extent of the funding available.
33 18 3. a. Of the funds appropriated in this section, \$100,000
33 19 shall be used for implementation of an electronic medical
33 20 record system, including system purchase or development, for
33 21 home and community-based services providers and mental health
33 22 services providers that comply with the requirements of federal
33 23 and state laws and regulation by the fiscal year beginning July
33 24 1, 2013.
33 25 b. The department shall analyze the costs and benefits of
33 26 providing an electronic medical record and billing system for
33 27 home and community-based services providers and mental health
33 28 services providers that comply with the requirements of federal
33 29 and state laws and regulation. The analysis shall include a
33 30 review of all of the following: including the capability for
33 31 an electronic medical record and billing system within the
33 32 procurement for the Medicaid management information system,
33 33 developing the system, and utilizing capacity within the health
33 34 information network established by the department of public
33 35 health as enacted in this Act. If the analysis demonstrates



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34 1 that a program may be implemented in a cost=effective manner
34 2 and within available funds, the department may take steps to
34 3 implement such a system. The department shall report the
34 4 results of the analysis, activities, and recommendations to the
34 5 persons designated in this division of this Act for submission
34 6 of reports by December 15, 2011.

34 7 c. Notwithstanding section 8.33, funds allocated in this
34 8 subsection that remain unencumbered or unobligated at the close
34 9 of the fiscal year shall not revert but shall remain available
34 10 in succeeding fiscal years to be used for the purposes
34 11 designated.

34 12 4. Of the amount appropriated in this section, \$3,500,000
34 13 shall be used for technology upgrades necessary to support
34 14 Medicaid claims and other health operations, worldwide federal
34 15 Health Insurance Portability and Accountability Act of 1996
34 16 (HIPAA) claims, transactions, and coding requirements, and the
34 17 Iowa automated benefits calculation system. Notwithstanding
34 18 section 8.33, funds allocated in this subsection that remain
34 19 unencumbered or unobligated at the close of the fiscal year
34 20 shall not revert but shall remain available in succeeding
34 21 fiscal years to be used for the purposes designated.

34 22 5. Of the funds appropriated in this section, \$100,000 shall
34 23 be used for an accountable care organization pilot project
34 24 as specified in the division of this Act relating to prior
34 25 appropriations and related changes.

34 26 6. Of the funds appropriated in this section, \$200,000 shall
34 27 be used for the development of a provider payment system plan
34 28 to provide recommendations to reform the health care provider
34 29 payment system as an effective way to promote coordination of
34 30 care, lower costs, and improve quality as specified in the
34 31 division of this Act relating to cost containment.

34 32 7. Of the funds appropriated in this section, \$20,000 shall
34 33 be used for the development of a plan to establish an all=payer
34 34 claims database to provide for the collection and analysis of
34 35 claims data from multiple payers of health care as specified in



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35 1 the division of this Act relating to cost containment.

35 2 8. The department shall amend the state Medicaid health
35 3 information technology plan to include costs related to the
35 4 one-time development costs of the health information network
35 5 as enacted in this Act.

35 6 9. Of the amount appropriated in this section, up to
35 7 \$250,000 may be transferred to the appropriation for general
35 8 administration in this division of this Act to be used for
35 9 additional full-time equivalent positions in the development of
35 10 key health initiatives such as cost containment, development
35 11 and oversight of managed care programs, and development of
35 12 health strategies targeted toward improved quality and reduced
35 13 costs in the Medicaid program.

35 14 10. Of the funds appropriated in this section, \$50,000 shall
35 15 be used for home and community-based services waiver quality
35 16 assurance programs, including the review and streamlining
35 17 of processes and policies related to oversight and quality
35 18 management to meet state and federal requirements. The
35 19 department shall submit a report to the persons designated by
35 20 this division of this Act for submission of reports by December
35 21 15, 2011, regarding the modifications to the quality assurance
35 22 programs.

35 23 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

35 24 1. There is appropriated from the general fund of the
35 25 state to the department of human services for the fiscal year
35 26 beginning July 1, 2011, and ending June 30, 2012, the following
35 27 amount, or so much thereof as is necessary, to be used for the
35 28 purpose designated:

35 29 For the state supplementary assistance program:

35 30 \$ 16,850,747

35 31 2. The department shall increase the personal needs
35 32 allowance for residents of residential care facilities by the
35 33 same percentage and at the same time as federal supplemental
35 34 security income and federal social security benefits are
35 35 increased due to a recognized increase in the cost of living.



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36 1 The department may adopt emergency rules to implement this
36 2 subsection.
36 3 3. If during the fiscal year beginning July 1, 2011,
36 4 the department projects that state supplementary assistance
36 5 expenditures for a calendar year will not meet the federal
36 6 pass-through requirement specified in Tit. XVI of the federal
36 7 Social Security Act, section 1618, as codified in 42 U.S.C.
36 8 { 1382g, the department may take actions including but not
36 9 limited to increasing the personal needs allowance for
36 10 residential care facility residents and making programmatic
36 11 adjustments or upward adjustments of the residential care
36 12 facility or in-home health-related care reimbursement rates
36 13 prescribed in this division of this Act to ensure that federal
36 14 requirements are met. In addition, the department may make
36 15 other programmatic and rate adjustments necessary to remain
36 16 within the amount appropriated in this section while ensuring
36 17 compliance with federal requirements. The department may adopt
36 18 emergency rules to implement the provisions of this subsection.
36 19 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.
36 20 1. There is appropriated from the general fund of the
36 21 state to the department of human services for the fiscal year
36 22 beginning July 1, 2011, and ending June 30, 2012, the following
36 23 amount, or so much thereof as is necessary, to be used for the
36 24 purpose designated:
36 25 For maintenance of the healthy and well kids in Iowa (hawk=i)
36 26 program pursuant to chapter 514I, including supplemental dental
36 27 services, for receipt of federal financial participation under
36 28 Tit. XXI of the federal Social Security Act, which creates the
36 29 children's health insurance program:
36 30 \$ 32,806,102
36 31 2. Of the funds appropriated in this section, \$128,950 is
36 32 allocated for continuation of the contract for advertising and
36 33 outreach with the department of public health.
36 34 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
36 35 from the general fund of the state to the department of human



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37 1 services for the fiscal year beginning July 1, 2011, and ending
37 2 June 30, 2012, the following amount, or so much thereof as is
37 3 necessary, to be used for the purpose designated:

37 4 For child care programs:

37 5 \$ 55,265,509

37 6 1. Of the funds appropriated in this section, \$53,896,082
37 7 shall be used for state child care assistance in accordance
37 8 with section 237A.13.

37 9 2. Nothing in this section shall be construed or is
37 10 intended as or shall imply a grant of entitlement for services
37 11 to persons who are eligible for assistance due to an income
37 12 level consistent with the waiting list requirements of section
37 13 237A.13. Any state obligation to provide services pursuant to
37 14 this section is limited to the extent of the funds appropriated
37 15 in this section.

37 16 3. Of the funds appropriated in this section, \$432,453 is
37 17 allocated for the statewide program for child care resource
37 18 and referral services under section 237A.26. A list of the
37 19 registered and licensed child care facilities operating in the
37 20 area served by a child care resource and referral service shall
37 21 be made available to the families receiving state child care
37 22 assistance in that area.

37 23 4. Of the funds appropriated in this section, \$936,974
37 24 is allocated for child care quality improvement initiatives
37 25 including but not limited to the voluntary quality rating
37 26 system in accordance with section 237A.30.

37 27 5. The department may use any of the funds appropriated
37 28 in this section as a match to obtain federal funds for use in
37 29 expanding child care assistance and related programs. For
37 30 the purpose of expenditures of state and federal child care
37 31 funding, funds shall be considered obligated at the time
37 32 expenditures are projected or are allocated to the department's
37 33 service areas. Projections shall be based on current and
37 34 projected caseload growth, current and projected provider
37 35 rates, staffing requirements for eligibility determination



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38 1 and management of program requirements including data systems
38 2 management, staffing requirements for administration of the
38 3 program, contractual and grant obligations and any transfers
38 4 to other state agencies, and obligations for decategorization
38 5 or innovation projects.
38 6 6. A portion of the state match for the federal child care
38 7 and development block grant shall be provided as necessary to
38 8 meet federal matching funds requirements through the state
38 9 general fund appropriation made for child development grants
38 10 and other programs for at-risk children in section 279.51.
38 11 7. If a uniform reduction ordered by the governor under
38 12 section 8.31 or other operation of law, transfer, or federal
38 13 funding reduction reduces the appropriation made in this
38 14 section for the fiscal year, the percentage reduction in the
38 15 amount paid out to or on behalf of the families participating
38 16 in the state child care assistance program shall be equal to or
38 17 less than the percentage reduction made for any other purpose
38 18 payable from the appropriation made in this section and the
38 19 federal funding relating to it. The percentage reduction to
38 20 the other allocations made in this section shall be the same as
38 21 the uniform reduction ordered by the governor or the percentage
38 22 change of the federal funding reduction, as applicable.
38 23 If there is an unanticipated increase in federal funding
38 24 provided for state child care assistance, the entire amount
38 25 of the increase shall be used for state child care assistance
38 26 payments. If the appropriations made for purposes of the
38 27 state child care assistance program for the fiscal year are
38 28 determined to be insufficient, it is the intent of the general
38 29 assembly to appropriate sufficient funding for the fiscal year
38 30 in order to avoid establishment of waiting list requirements.
38 31 8. Notwithstanding section 8.33, moneys appropriated in
38 32 this section or received from the federal appropriations made
38 33 for the purposes of this section that remain unencumbered or
38 34 unobligated at the close of the fiscal year shall not revert
38 35 to any fund but shall remain available for expenditure for the



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39 1 purposes designated until the close of the succeeding fiscal
39 2 year.

39 3 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
39 4 from the general fund of the state to the department of human
39 5 services for the fiscal year beginning July 1, 2011, and ending
39 6 June 30, 2012, the following amounts, or so much thereof as is
39 7 necessary, to be used for the purposes designated:

39 8 1. For operation of the Iowa juvenile home at Toledo and for
39 9 salaries, support, maintenance, and miscellaneous purposes, and
39 10 for not more than the following full-time equivalent positions:
39 11 \$ 8,258,251
39 12 FTEs 114.00

39 13 2. For operation of the state training school at Eldora and
39 14 for salaries, support, maintenance, and miscellaneous purposes,
39 15 and for not more than the following full-time equivalent
39 16 positions:

39 17 \$ 10,638,677
39 18 FTEs 164.30

39 19 Of the funds appropriated in this subsection, \$91,150 shall
39 20 be used for distribution to licensed classroom teachers at this
39 21 and other institutions under the control of the department of
39 22 human services based upon the average student yearly enrollment
39 23 at each institution as determined by the department.

39 24 3. A portion of the moneys appropriated in this section
39 25 shall be used by the state training school and by the Iowa
39 26 juvenile home for grants for adolescent pregnancy prevention
39 27 activities at the institutions in the fiscal year beginning
39 28 July 1, 2011.

39 29 4. For the fiscal year beginning July 1, 2011,
39 30 notwithstanding section 232.52, subsection 2, and section
39 31 907.3A, subsection 1, the court shall not order the placement
39 32 of a child at the Iowa juvenile home or the state training
39 33 school under section 232.52, if that placement is not in
39 34 accordance with the population guidelines for the respective
39 35 juvenile institution established pursuant to section 233A.1 or



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40 1 233B.1.

40 2 Sec. 16. CHILD AND FAMILY SERVICES.

40 3 1. There is appropriated from the general fund of the
40 4 state to the department of human services for the fiscal year
40 5 beginning July 1, 2011, and ending June 30, 2012, the following
40 6 amount, or so much thereof as is necessary, to be used for the
40 7 purpose designated:

40 8 For child and family services:

40 9 \$ 83,077,336

40 10 2. In order to address a reduction of \$5,200,000 from the
40 11 amount allocated under the appropriation made for the purposes
40 12 of this section in prior years for purposes of juvenile
40 13 delinquent graduated sanction services, up to \$5,200,000 of the
40 14 amount of federal temporary assistance for needy families block
40 15 grant funding appropriated in this division of this Act for
40 16 child and family services shall be made available for purposes
40 17 of juvenile delinquent graduated sanction services.

40 18 3. The department may transfer funds appropriated in this
40 19 section as necessary to pay the nonfederal costs of services
40 20 reimbursed under the medical assistance program, state child
40 21 care assistance program, or the family investment program which
40 22 are provided to children who would otherwise receive services
40 23 paid under the appropriation in this section. The department
40 24 may transfer funds appropriated in this section to the
40 25 appropriations made in this division of this Act for general
40 26 administration and for field operations for resources necessary
40 27 to implement and operate the services funded in this section.

40 28 4. a. Of the funds appropriated in this section, up to
40 29 \$30,169,129 is allocated as the statewide expenditure target
40 30 under section 232.143 for group foster care maintenance and
40 31 services. If the department projects that such expenditures
40 32 for the fiscal year will be less than the target amount
40 33 allocated in this lettered paragraph, the department may
40 34 reallocate the excess to provide additional funding for shelter
40 35 care or the child welfare emergency services addressed with the



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41 1 allocation for shelter care.

41 2 b. If at any time after September 30, 2011, annualization
41 3 of a service area's current expenditures indicates a service
41 4 area is at risk of exceeding its group foster care expenditure
41 5 target under section 232.143 by more than 5 percent, the
41 6 department and juvenile court services shall examine all
41 7 group foster care placements in that service area in order to
41 8 identify those which might be appropriate for termination.
41 9 In addition, any aftercare services believed to be needed
41 10 for the children whose placements may be terminated shall be
41 11 identified. The department and juvenile court services shall
41 12 initiate action to set dispositional review hearings for the
41 13 placements identified. In such a dispositional review hearing,
41 14 the juvenile court shall determine whether needed aftercare
41 15 services are available and whether termination of the placement
41 16 is in the best interest of the child and the community.

41 17 5. In accordance with the provisions of section 232.188,
41 18 the department shall continue the child welfare and juvenile
41 19 justice funding initiative during fiscal year 2011=2012. Of
41 20 the funds appropriated in this section, \$1,717,753 is allocated
41 21 specifically for expenditure for fiscal year 2011=2012 through
41 22 the decategorization service funding pools and governance
41 23 boards established pursuant to section 232.188.

41 24 6. A portion of the funds appropriated in this section
41 25 may be used for emergency family assistance to provide other
41 26 resources required for a family participating in a family
41 27 preservation or reunification project or successor project to
41 28 stay together or to be reunified.

41 29 7. Notwithstanding section 234.35 or any other provision
41 30 of law to the contrary, state funding for shelter care and
41 31 the child welfare emergency services contracting implemented
41 32 to provide for or prevent the need for shelter care shall be
41 33 limited to \$7,570,116. The department may execute contracts
41 34 that result from the department's request for proposal, bid
41 35 number ACFS=11=114, to provide the range of child welfare



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42 1 emergency services described in the request for proposals, and
42 2 any subsequent amendments to the request for proposals.
42 3 8. Federal funds received by the state during the fiscal
42 4 year beginning July 1, 2011, as the result of the expenditure
42 5 of state funds appropriated during a previous state fiscal
42 6 year for a service or activity funded under this section are
42 7 appropriated to the department to be used as additional funding
42 8 for services and purposes provided for under this section.
42 9 Notwithstanding section 8.33, moneys received in accordance
42 10 with this subsection that remain unencumbered or unobligated at
42 11 the close of the fiscal year shall not revert to any fund but
42 12 shall remain available for the purposes designated until the
42 13 close of the succeeding fiscal year.
42 14 9. Of the funds appropriated in this section, at least
42 15 \$3,696,285 shall be used for protective child care assistance.
42 16 10. a. Of the funds appropriated in this section, up to
42 17 \$2,062,488 is allocated for the payment of the expenses of
42 18 court=ordered services provided to juveniles who are under the
42 19 supervision of juvenile court services, which expenses are a
42 20 charge upon the state pursuant to section 232.141, subsection
42 21 4. Of the amount allocated in this lettered paragraph, up to
42 22 \$1,556,287 shall be made available to provide school=based
42 23 supervision of children adjudicated under chapter 232, of which
42 24 not more than \$15,000 may be used for the purpose of training.
42 25 A portion of the cost of each school=based liaison officer
42 26 shall be paid by the school district or other funding source as
42 27 approved by the chief juvenile court officer.
42 28 b. Of the funds appropriated in this section, up to \$748,985
42 29 is allocated for the payment of the expenses of court=ordered
42 30 services provided to children who are under the supervision
42 31 of the department, which expenses are a charge upon the state
42 32 pursuant to section 232.141, subsection 4.
42 33 c. Notwithstanding section 232.141 or any other provision
42 34 of law to the contrary, the amounts allocated in this
42 35 subsection shall be distributed to the judicial districts



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43 1 as determined by the state court administrator and to the
43 2 department's service areas as determined by the administrator
43 3 of the department's division of child and family services.
43 4 The state court administrator and the division administrator
43 5 shall make the determination of the distribution amounts on or
43 6 before June 15, 2011. However, if this subsection is enacted
43 7 on or after June 15, 2011, the determination shall be made not
43 8 later than 10 calendar days after the effective date of this
43 9 subsection.

43 10 d. Notwithstanding chapter 232 or any other provision of
43 11 law to the contrary, a district or juvenile court shall not
43 12 order any service which is a charge upon the state pursuant
43 13 to section 232.141 if there are insufficient court=ordered
43 14 services funds available in the district court or departmental
43 15 service area distribution amounts to pay for the service. The
43 16 chief juvenile court officer and the departmental service area
43 17 manager shall encourage use of the funds allocated in this
43 18 subsection such that there are sufficient funds to pay for
43 19 all court=related services during the entire year. The chief
43 20 juvenile court officers and departmental service area managers
43 21 shall attempt to anticipate potential surpluses and shortfalls
43 22 in the distribution amounts and shall cooperatively request the
43 23 state court administrator or division administrator to transfer
43 24 funds between the judicial districts' or departmental service
43 25 areas' distribution amounts as prudent.

43 26 e. Notwithstanding any provision of law to the contrary,
43 27 a district or juvenile court shall not order a county to pay
43 28 for any service provided to a juvenile pursuant to an order
43 29 entered under chapter 232 which is a charge upon the state
43 30 under section 232.141, subsection 4.

43 31 f. Of the funds allocated in this subsection, not more than
43 32 \$83,000 may be used by the judicial branch for administration
43 33 of the requirements under this subsection.

43 34 g. Of the funds allocated in this subsection, \$17,000
43 35 shall be used by the department of human services to support



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44 1 the interstate commission for juveniles in accordance with
44 2 the interstate compact for juveniles as provided in section
44 3 232.173.
44 4 11. Of the funds appropriated in this section, \$5,922,602 is
44 5 allocated for juvenile delinquent graduated sanctions services.
44 6 Any state funds saved as a result of efforts by juvenile court
44 7 services to earn federal Tit. IV=E match for juvenile court
44 8 services administration may be used for the juvenile delinquent
44 9 graduated sanctions services.
44 10 12. Of the funds appropriated in this section, \$988,285
44 11 shall be transferred to the department of public health to
44 12 be used for the child protection center grant program in
44 13 accordance with section 135.118.
44 14 13. If the department receives federal approval to
44 15 implement a waiver under Tit. IV=E of the federal Social
44 16 Security Act to enable providers to serve children who remain
44 17 in the children's families and communities, for purposes of
44 18 eligibility under the medical assistance program, children who
44 19 participate in the waiver shall be considered to be placed in
44 20 foster care.
44 21 14. Of the funds appropriated in this section, \$3,069,832 is
44 22 allocated for the preparation for adult living program pursuant
44 23 to section 234.46.
44 24 15. Of the funds appropriated in this section, \$520,150
44 25 shall be used for juvenile drug courts. The amount allocated
44 26 in this subsection shall be distributed as follows:
44 27 To the judicial branch for salaries to assist with the
44 28 operation of juvenile drug court programs operated in the
44 29 following jurisdictions:
44 30 a. Marshall county:
44 31 \$ 62,708
44 32 b. Woodbury county:
44 33 \$ 125,682
44 34 c. Polk county:
44 35 \$ 195,892



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45 1 d. The third judicial district:
45 2 \$ 67,934
45 3 e. The eighth judicial district:
45 4 \$ 67,934
45 5 16. Of the funds appropriated in this section, \$227,337
45 6 shall be used for the public purpose of providing a grant to
45 7 a nonprofit human services organization providing services to
45 8 individuals and families in multiple locations in southwest
45 9 Iowa and Nebraska for support of a project providing immediate,
45 10 sensitive support and forensic interviews, medical exams, needs
45 11 assessments, and referrals for victims of child abuse and their
45 12 nonoffending family members.
45 13 17. Of the funds appropriated in this section, \$125,590
45 14 is allocated for the elevate approach of providing a support
45 15 network to children placed in foster care.
45 16 18. Of the funds appropriated in this section, \$202,000 is
45 17 allocated for use pursuant to section 235A.1 for continuation
45 18 of the initiative to address child sexual abuse implemented
45 19 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
45 20 21.
45 21 19. Of the funds appropriated in this section, \$630,240 is
45 22 allocated for the community partnership for child protection
45 23 sites.
45 24 20. Of the funds appropriated in this section, \$371,250
45 25 is allocated for the department's minority youth and family
45 26 projects under the redesign of the child welfare system.
45 27 21. Of the funds appropriated in this section, \$1,200,495
45 28 is allocated for funding of the state match for the federal
45 29 substance abuse and mental health services administration
45 30 (SAMHSA) system of care grant.
45 31 22. Of the funds appropriated in this section, at least
45 32 \$147,158 shall be used for the child welfare training academy.
45 33 23. Of the funds appropriated in this section, \$25,000
45 34 shall be used for the public purpose of providing a grant to
45 35 a child welfare services provider headquartered in a county



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46 1 with a population between 205,000 and 215,000 in the latest
46 2 certified federal census that provides multiple services
46 3 including but not limited to a psychiatric medical institution
46 4 for children, shelter, residential treatment, after school
46 5 programs, school-based programming, and an Asperger's syndrome
46 6 program, to be used for support services for children with
46 7 autism spectrum disorder and their families.

46 8 24. Of the funds appropriated in this section, \$257,173
46 9 shall be used for continuation of the central Iowa system of
46 10 care program grant through June 30, 2012.

46 11 Sec. 17. ADOPTION SUBSIDY.

46 12 1. There is appropriated from the general fund of the
46 13 state to the department of human services for the fiscal year
46 14 beginning July 1, 2011, and ending June 30, 2012, the following
46 15 amount, or so much thereof as is necessary, to be used for the
46 16 purpose designated:

46 17 For adoption subsidy payments and services:

46 18 \$ 34,466,591

46 19 2. The department may transfer funds appropriated in
46 20 this section to the appropriation made in this division of
46 21 this Act for general administration for costs paid from the
46 22 appropriation relating to adoption subsidy.

46 23 3. Federal funds received by the state during the
46 24 fiscal year beginning July 1, 2011, as the result of the
46 25 expenditure of state funds during a previous state fiscal
46 26 year for a service or activity funded under this section are
46 27 appropriated to the department to be used as additional funding
46 28 for the services and activities funded under this section.
46 29 Notwithstanding section 8.33, moneys received in accordance
46 30 with this subsection that remain unencumbered or unobligated
46 31 at the close of the fiscal year shall not revert to any fund
46 32 but shall remain available for expenditure for the purposes
46 33 designated until the close of the succeeding fiscal year.

46 34 Sec. 18. JUVENILE DETENTION HOME FUND.

46 35 1. Moneys deposited in the juvenile detention home fund



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47 1 created in section 232.142 during the fiscal year beginning
47 2 July 1, 2011, and ending June 30, 2012, are appropriated to
47 3 the department of human services for the fiscal year beginning
47 4 July 1, 2011, and ending June 30, 2012, for distribution of an
47 5 amount equal to a percentage of the costs of the establishment,
47 6 improvement, operation, and maintenance of county or
47 7 multicounty juvenile detention homes in the fiscal year
47 8 beginning July 1, 2010. Moneys appropriated for distribution
47 9 in accordance with this section shall be allocated among
47 10 eligible detention homes, prorated on the basis of an eligible
47 11 detention home's proportion of the costs of all eligible
47 12 detention homes in the fiscal year beginning July 1, 2010.
47 13 The percentage figure shall be determined by the department
47 14 based on the amount available for distribution for the fund.
47 15 Notwithstanding section 232.142, subsection 3, the financial
47 16 aid payable by the state under that provision for the fiscal
47 17 year beginning July 1, 2011, shall be limited to the amount
47 18 appropriated for the purposes of this section.
47 19 2. Representatives of chief juvenile court officers,
47 20 the department of human rights, and the department of human
47 21 services shall work with juvenile detention centers and other
47 22 stakeholders to review the current methodology for distribution
47 23 of moneys from the juvenile detention home fund, consider
47 24 alternative distribution methodologies, and report findings
47 25 and recommendations to the persons designated by this division
47 26 of this Act for the submission of reports by December 15,
47 27 2011. It is the intent of the general assembly to shift
47 28 responsibility for administering the fund from the department
47 29 of human services to the division of criminal and juvenile
47 30 justice planning of the department of human rights, effective
47 31 with the fiscal year beginning July 1, 2012.
47 32 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.
47 33 1. There is appropriated from the general fund of the
47 34 state to the department of human services for the fiscal year
47 35 beginning July 1, 2011, and ending June 30, 2012, the following



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48 1 amount, or so much thereof as is necessary, to be used for the
48 2 purpose designated:
48 3 For the family support subsidy program subject to the
48 4 enrollment restrictions in section 225C.37, subsection 3:
48 5 \$ 1,167,998
48 6 2. The department shall use at least \$385,500 of the moneys
48 7 appropriated in this section for the family support center
48 8 component of the comprehensive family support program under
48 9 section 225C.47. Not more than \$25,000 of the amount allocated
48 10 in this subsection shall be used for administrative costs.
48 11 3. If at any time during the fiscal year, the amount of
48 12 funding available for the family support subsidy program
48 13 is reduced from the amount initially used to establish the
48 14 figure for the number of family members for whom a subsidy
48 15 is to be provided at any one time during the fiscal year,
48 16 notwithstanding section 225C.38, subsection 2, the department
48 17 shall revise the figure as necessary to conform to the amount
48 18 of funding available.
48 19 Sec. 20. CONNER DECREE. There is appropriated from the
48 20 general fund of the state to the department of human services
48 21 for the fiscal year beginning July 1, 2011, and ending June 30,
48 22 2012, the following amount, or so much thereof as is necessary,
48 23 to be used for the purpose designated:
48 24 For building community capacity through the coordination
48 25 and provision of training opportunities in accordance with the
48 26 consent decree of Conner v. Branstad, No. 4=86=CV=30871 (S.D.
48 27 Iowa, July 14, 1994):
48 28 \$ 33,622
48 29 Sec. 21. MENTAL HEALTH INSTITUTES.
48 30 There is appropriated from the general fund of the state to
48 31 the department of human services for the fiscal year beginning
48 32 July 1, 2011, and ending June 30, 2012, the following amounts,
48 33 or so much thereof as is necessary, to be used for the purposes
48 34 designated:
48 35 1. For the state mental health institute at Cherokee for



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49 1 salaries, support, maintenance, and miscellaneous purposes, and
49 2 for not more than the following full=time equivalent positions:
49 3 \$ 5,877,308
49 4 FTEs 168.50
49 5 2. For the state mental health institute at Clarinda for
49 6 salaries, support, maintenance, and miscellaneous purposes, and
49 7 for not more than the following full=time equivalent positions:
49 8 \$ 6,411,734
49 9 FTEs 86.10
49 10 3. For the state mental health institute at Independence for
49 11 salaries, support, maintenance, and miscellaneous purposes, and
49 12 for not more than the following full=time equivalent positions:
49 13 \$ 10,275,685
49 14 FTEs 233.00
49 15 4. For the state mental health institute at Mount Pleasant
49 16 for salaries, support, maintenance, and miscellaneous purposes,
49 17 and for not more than the following full=time equivalent
49 18 positions:
49 19 \$ 944,323
49 20 FTEs 91.72
49 21 Sec. 22. STATE RESOURCE CENTERS.
49 22 1. There is appropriated from the general fund of the
49 23 state to the department of human services for the fiscal year
49 24 beginning July 1, 2011, and ending June 30, 2012, the following
49 25 amounts, or so much thereof as is necessary, to be used for the
49 26 purposes designated:
49 27 a. For the state resource center at Glenwood for salaries,
49 28 support, maintenance, and miscellaneous purposes:
49 29 \$ 18,607,801
49 30 b. For the state resource center at Woodward for salaries,
49 31 support, maintenance, and miscellaneous purposes:
49 32 \$ 12,885,658
49 33 2. The department may continue to bill for state resource
49 34 center services utilizing a scope of services approach used for
49 35 private providers of ICFMR services, in a manner which does not



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50 1 shift costs between the medical assistance program, counties,
50 2 or other sources of funding for the state resource centers.

50 3 3. The state resource centers may expand the time=limited
50 4 assessment and respite services during the fiscal year.

50 5 4. If the department's administration and the department
50 6 of management concur with a finding by a state resource
50 7 center's superintendent that projected revenues can reasonably
50 8 be expected to pay the salary and support costs for a new
50 9 employee position, or that such costs for adding a particular
50 10 number of new positions for the fiscal year would be less
50 11 than the overtime costs if new positions would not be added,
50 12 the superintendent may add the new position or positions. If
50 13 the vacant positions available to a resource center do not
50 14 include the position classification desired to be filled, the
50 15 state resource center's superintendent may reclassify any
50 16 vacant position as necessary to fill the desired position. The
50 17 superintendents of the state resource centers may, by mutual
50 18 agreement, pool vacant positions and position classifications
50 19 during the course of the fiscal year in order to assist one
50 20 another in filling necessary positions.

50 21 5. If existing capacity limitations are reached in
50 22 operating units, a waiting list is in effect for a service or
50 23 a special need for which a payment source or other funding
50 24 is available for the service or to address the special need,
50 25 and facilities for the service or to address the special need
50 26 can be provided within the available payment source or other
50 27 funding, the superintendent of a state resource center may
50 28 authorize opening not more than two units or other facilities
50 29 and begin implementing the service or addressing the special
50 30 need during fiscal year 2011=2012.

50 31 Sec. 23. MI/MR/DD STATE CASES.

50 32 1. There is appropriated from the general fund of the
50 33 state to the department of human services for the fiscal year
50 34 beginning July 1, 2011, and ending June 30, 2012, the following
50 35 amount, or so much thereof as is necessary, to be used for the



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51 1 purpose designated:

51 2 For distribution to counties for state case services
51 3 for persons with mental illness, mental retardation, and
51 4 developmental disabilities in accordance with section 331.440:
51 5 \$ 12,169,482

51 6 2. For the fiscal year beginning July 1, 2011, and ending
51 7 June 30, 2012, \$200,000 is allocated for state case services
51 8 from the amounts appropriated from the fund created in section
51 9 8.41 to the department of human services from the funds
51 10 received from the federal government under 42 U.S.C. ch. 6A,
51 11 subch. XVII, relating to the community mental health center
51 12 block grant, for the federal fiscal years beginning October
51 13 1, 2009, and ending September 30, 2010, beginning October 1,
51 14 2010, and ending September 30, 2011, and beginning October 1,
51 15 2011, and ending September 30, 2012. The allocation made in
51 16 this subsection shall be made prior to any other distribution
51 17 allocation of the appropriated federal funds.

51 18 3. Notwithstanding section 8.33, moneys appropriated in
51 19 this section that remain unencumbered or unobligated at the
51 20 close of the fiscal year shall not revert but shall remain
51 21 available for expenditure for the purposes designated until the
51 22 close of the succeeding fiscal year.

51 23 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
51 24 ==== COMMUNITY SERVICES FUND. There is appropriated from
51 25 the general fund of the state to the mental health and
51 26 developmental disabilities community services fund created in
51 27 section 225C.7 for the fiscal year beginning July 1, 2011, and
51 28 ending June 30, 2012, the following amount, or so much thereof
51 29 as is necessary, to be used for the purpose designated:

51 30 For mental health and developmental disabilities community
51 31 services in accordance with this division of this Act:
51 32 \$ 14,211,100

51 33 1. Of the funds appropriated in this section, \$14,187,556
51 34 shall be allocated to counties for funding of community-based
51 35 mental health and developmental disabilities services. The



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52 1 moneys shall be allocated to a county as follows:

52 2 a. Fifty percent based upon the county's proportion of the
52 3 state's population of persons with an annual income which is
52 4 equal to or less than the poverty guideline established by the
52 5 federal office of management and budget.

52 6 b. Fifty percent based upon the county's proportion of the
52 7 state's general population.

52 8 2. a. A county shall utilize the funding the county
52 9 receives pursuant to subsection 1 for services provided to
52 10 persons with a disability, as defined in section 225C.2.

52 11 However, no more than 50 percent of the funding shall be used
52 12 for services provided to any one of the service populations.

52 13 b. A county shall use at least 50 percent of the funding the
52 14 county receives under subsection 1 for contemporary services
52 15 provided to persons with a disability, as described in rules
52 16 adopted by the department.

52 17 3. Of the funds appropriated in this section, \$23,544
52 18 shall be used to support the Iowa compass program providing
52 19 computerized information and referral services for Iowans with
52 20 disabilities and their families.

52 21 4. a. Funding appropriated for purposes of the federal
52 22 social services block grant is allocated for distribution
52 23 to counties for local purchase of services for persons with
52 24 mental illness or mental retardation or other developmental
52 25 disability.

52 26 b. The funds allocated in this subsection shall be expended
52 27 by counties in accordance with the county's county management
52 28 plan approved by the board of supervisors. A county without
52 29 an approved county management plan shall not receive allocated
52 30 funds until the county's management plan is approved.

52 31 c. The funds provided by this subsection shall be allocated
52 32 to each county as follows:

52 33 (1) Fifty percent based upon the county's proportion of the
52 34 state's population of persons with an annual income which is
52 35 equal to or less than the poverty guideline established by the



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53 1 federal office of management and budget.

53 2 (2) Fifty percent based upon the amount provided to the
53 3 county for local purchase of services in the preceding fiscal
53 4 year.

53 5 5. A county is eligible for funds under this section if the
53 6 county qualifies for a state payment as described in section
53 7 331.439.

53 8 6. The latest certified census issued by the United States
53 9 bureau of the census shall be applied for the population
53 10 factors utilized in this section.

53 11 Sec. 25. SEXUALLY VIOLENT PREDATORS.

53 12 1. There is appropriated from the general fund of the
53 13 state to the department of human services for the fiscal year
53 14 beginning July 1, 2011, and ending June 30, 2012, the following
53 15 amount, or so much thereof as is necessary, to be used for the
53 16 purpose designated:

53 17 For costs associated with the commitment and treatment of
53 18 sexually violent predators in the unit located at the state
53 19 mental health institute at Cherokee, including costs of legal
53 20 services and other associated costs, including salaries,
53 21 support, maintenance, and miscellaneous purposes, and for not
53 22 more than the following full-time equivalent positions:

53 23	\$ 7,550,727
53 24	FTEs 89.50

53 25 2. Unless specifically prohibited by law, if the amount
53 26 charged provides for recoupment of at least the entire amount
53 27 of direct and indirect costs, the department of human services
53 28 may contract with other states to provide care and treatment
53 29 of persons placed by the other states at the unit for sexually
53 30 violent predators at Cherokee. The moneys received under
53 31 such a contract shall be considered to be repayment receipts
53 32 and used for the purposes of the appropriation made in this
53 33 section.

53 34 Sec. 26. FIELD OPERATIONS. There is appropriated from the
53 35 general fund of the state to the department of human services



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54 1 for the fiscal year beginning July 1, 2011, and ending June 30,
54 2 2012, the following amount, or so much thereof as is necessary,
54 3 to be used for the purposes designated:

54 4 For field operations, including salaries, support,
54 5 maintenance, and miscellaneous purposes, and for not more than
54 6 the following full-time equivalent positions:

54 7 \$ 54,789,921
54 8 FTEs 1,781.00

54 9 Priority in filling full-time equivalent positions shall be
54 10 given to those positions related to child protection services
54 11 and eligibility determination for low-income families.

54 12 Notwithstanding section 8.33, moneys appropriated in this
54 13 section that remain unencumbered or unobligated at the close of
54 14 the fiscal year shall not revert but shall remain available for
54 15 expenditure for the purposes designated until the close of the
54 16 succeeding fiscal year.

54 17 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
54 18 from the general fund of the state to the department of human
54 19 services for the fiscal year beginning July 1, 2011, and ending
54 20 June 30, 2012, the following amount, or so much thereof as is
54 21 necessary, to be used for the purpose designated:

54 22 For general administration, including salaries, support,
54 23 maintenance, and miscellaneous purposes, and for not more than
54 24 the following full-time equivalent positions:

54 25 \$ 14,596,745
54 26 FTEs 290.00

54 27 1. Of the funds appropriated in this section, \$38,543
54 28 allocated for the prevention of disabilities policy council
54 29 established in section 225B.3.

54 30 2. The department shall report at least monthly to the
54 31 legislative services agency concerning the department's
54 32 operational and program expenditures.

54 33 3. Of the funds appropriated in this section, \$132,300 shall
54 34 be used to contract with a statewide association representing
54 35 community providers of mental health, mental retardation and



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55 1 brain injury services programs to provide technical assistance,
55 2 support, and consultation to providers of habilitation
55 3 services and home and community-based waiver services for
55 4 adults with disabilities under the medical assistance program.
55 5 Notwithstanding section 8.47 or any other provision of law to
55 6 the contrary, the department may utilize a sole source approach
55 7 to contract with the association.

55 8 4. Of the funds appropriated in this section, \$176,400
55 9 shall be used to contract with an appropriate entity to
55 10 expand the provision of nationally accredited and recognized
55 11 internet-based training to include mental health and disability
55 12 services providers. Notwithstanding section 8.47 or any other
55 13 provision of law to the contrary, the department may utilize a
55 14 sole source approach to enter into such contract.

55 15 5. Of the funds appropriated in this section, \$500,000
55 16 shall be used for implementation of child protection system
55 17 improvements addressed in 2011 Iowa Acts, House File 562, as
55 18 enacted.

55 19 6. Notwithstanding section 8.33, moneys appropriated in
55 20 this section that remain unencumbered or unobligated at the
55 21 close of the fiscal year shall not revert but shall remain
55 22 available for expenditure for the purposes designated until the
55 23 close of the succeeding fiscal year.

55 24 Sec. 28. VOLUNTEERS. There is appropriated from the general
55 25 fund of the state to the department of human services for the
55 26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
55 27 the following amount, or so much thereof as is necessary, to be
55 28 used for the purpose designated:

55 29 For development and coordination of volunteer services:
55 30 \$ 84,660

55 31 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
55 32 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
55 33 DEPARTMENT OF HUMAN SERVICES.

55 34 1. a. (1) For the fiscal year beginning July 1, 2011,
55 35 the total state funding amount for the nursing facility budget



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56 1 shall not exceed \$223,202,551.

56 2 (2) For the fiscal year beginning July 1, 2011, the
56 3 department shall rebase case=mix nursing facility rates
56 4 effective July 1, 2011. However, total nursing facility budget
56 5 expenditures, including both case=mix and noncase=mix shall
56 6 not exceed the amount specified in subparagraph (1). When
56 7 calculating case=mix per diem cost and the patient=day=weighted
56 8 medians used in rate=setting for nursing facilities effective
56 9 July 1, 2011, the inflation factor applied from the midpoint
56 10 of the cost report period to the first day of the state fiscal
56 11 year rate period shall be adjusted to maintain state funding
56 12 within the amount specified in subparagraph (1).

56 13 (3) The department, in cooperation with nursing facility
56 14 representatives, shall review projections for state funding
56 15 expenditures for reimbursement of nursing facilities on a
56 16 quarterly basis and the department shall determine if an
56 17 adjustment to the medical assistance reimbursement rate is
56 18 necessary in order to provide reimbursement within the state
56 19 funding amount for the fiscal year. Notwithstanding 2001
56 20 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
56 21 "c", and subsection 3, paragraph "a", subparagraph (2),
56 22 if the state funding expenditures for the nursing facility
56 23 budget for the fiscal year is projected to exceed the amount
56 24 specified in subparagraph (1), the department shall adjust
56 25 the reimbursement for nursing facilities reimbursed under the
56 26 case=mix reimbursement system to maintain expenditures of the
56 27 nursing facility budget within the specified amount for the
56 28 fiscal year.

56 29 (4) For the fiscal year beginning July 1, 2011, special
56 30 population nursing facilities shall be reimbursed in accordance
56 31 with the methodology in effect on June 30, 2011.

56 32 b. For the fiscal year beginning July 1, 2011, the
56 33 department shall reimburse pharmacy dispensing fees using a
56 34 single rate of \$4.34 per prescription or the pharmacy's usual
56 35 and customary fee, whichever is lower. However, the department



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57 1 shall adjust the dispensing fee specified in this paragraph
57 2 to distribute an additional \$2,400,000 in reimbursements for
57 3 pharmacy dispensing fees under this paragraph for the fiscal
57 4 year.

57 5 c. (1) For the fiscal year beginning July 1, 2011,
57 6 reimbursement rates for outpatient hospital services shall be
57 7 rebased effective January 1, 2012.

57 8 (2) For the fiscal year beginning July 1, 2011,
57 9 reimbursement rates for inpatient hospital services shall be
57 10 rebased effective October 1, 2011.

57 11 (3) The total amount of increased funding available for
57 12 reimbursement attributable to rebasing under this paragraph
57 13 for the fiscal year beginning July 1, 2011, shall not exceed
57 14 \$4,500,000.

57 15 (4) For the fiscal year beginning July 1, 2011, the graduate
57 16 medical education and disproportionate share hospital fund
57 17 shall remain at the amount in effect on June 30, 2011, except
57 18 that the portion of the fund attributable to graduate medical
57 19 education shall be reduced in an amount that reflects the
57 20 elimination of graduate medical education payments made to
57 21 out-of-state hospitals.

57 22 (5) In order to ensure the efficient use of limited state
57 23 funds in procuring health care services for low-income Iowans,
57 24 funds appropriated in this Act for hospital services shall
57 25 not be used for activities which would be excluded from a
57 26 determination of reasonable costs under the federal Medicare
57 27 program pursuant to 42 U.S.C. { 1395X(v) (1) (N) .

57 28 d. For the fiscal year beginning July 1, 2011, reimbursement
57 29 rates for rural health clinics, hospices, and acute mental
57 30 hospitals shall be increased in accordance with increases under
57 31 the federal Medicare program or as supported by their Medicare
57 32 audited costs.

57 33 e. For the fiscal year beginning July 1, 2011, independent
57 34 laboratories and rehabilitation agencies shall be reimbursed
57 35 using the same methodology in effect on June 30, 2011.



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58 1 f. For the fiscal year beginning July 1, 2011, reimbursement
58 2 rates for home health agencies shall remain at the rates in
58 3 effect on June 30, 2011, not to exceed a home health agency's
58 4 actual allowable cost.

58 5 g. For the fiscal year beginning July 1, 2011, federally
58 6 qualified health centers shall receive cost-based reimbursement
58 7 for 100 percent of the reasonable costs for the provision of
58 8 services to recipients of medical assistance.

58 9 h. For the fiscal year beginning July 1, 2011, the
58 10 reimbursement rates for dental services shall remain at the
58 11 rates in effect on June 30, 2011.

58 12 i. (1) For the fiscal year beginning July 1, 2011,
58 13 state-owned psychiatric medical institutions for children shall
58 14 receive cost-based reimbursement for 100 percent of the actual
58 15 and allowable costs for the provision of services to recipients
58 16 of medical assistance.

58 17 (2) For the nonstate-owned psychiatric medical institutions
58 18 for children, reimbursement rates shall remain at the rates
58 19 in effect on June 30, 2011. The department, in consultation
58 20 with representatives of the nonstate-owned psychiatric medical
58 21 institutions for children, shall develop a reimbursement
58 22 methodology to include all ancillary medical services costs
58 23 and any other changes required for federal compliance, to be
58 24 implemented on July 1, 2012. To the extent possible, the
58 25 reimbursement methodology shall be developed in a manner so as
58 26 to be budget neutral to the institutions and cost effective for
58 27 the state.

58 28 j. For the fiscal year beginning July 1, 2011, unless
58 29 otherwise specified in this Act, all noninstitutional medical
58 30 assistance provider reimbursement rates shall remain at the
58 31 rates in effect on June 30, 2011, except for area education
58 32 agencies, local education agencies, infant and toddler services
58 33 providers, and those providers whose rates are required to be
58 34 determined pursuant to section 249A.20.

58 35 k. Notwithstanding any provision to the contrary, for the



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59 1 fiscal year beginning July 1, 2011, the reimbursement rate for
59 2 anesthesiologists shall remain at the rate in effect on June
59 3 30, 2011.

59 4 1. Notwithstanding section 249A.20, for the fiscal year
59 5 beginning July 1, 2011, the average reimbursement rate for
59 6 health care providers eligible for use of the federal Medicare
59 7 resource-based relative value scale reimbursement methodology
59 8 under that section shall remain at the rate in effect on June
59 9 30, 2011; however, this rate shall not exceed the maximum level
59 10 authorized by the federal government.

59 11 m. For the fiscal year beginning July 1, 2011, the
59 12 reimbursement rate for residential care facilities shall not
59 13 be less than the minimum payment level as established by the
59 14 federal government to meet the federally mandated maintenance
59 15 of effort requirement. The flat reimbursement rate for
59 16 facilities electing not to file annual cost reports shall not
59 17 be less than the minimum payment level as established by the
59 18 federal government to meet the federally mandated maintenance
59 19 of effort requirement.

59 20 n. For the fiscal year beginning July 1, 2011, inpatient
59 21 mental health services provided at hospitals shall be rebased
59 22 effective October 1, 2011, subject to Medicaid program upper
59 23 payment limit rules; community mental health centers and
59 24 providers of mental health services to county residents
59 25 pursuant to a waiver approved under section 225C.7, subsection
59 26 3, shall be reimbursed at 100 percent of the reasonable
59 27 costs for the provision of services to recipients of medical
59 28 assistance; and psychiatrists shall be reimbursed at the
59 29 medical assistance program fee for service rate.

59 30 o. For the fiscal year beginning July 1, 2011, the
59 31 reimbursement rate for consumer-directed attendant care shall
59 32 remain at the rates in effect on June 30, 2011.

59 33 p. For the fiscal year beginning July 1, 2011, the
59 34 reimbursement rate for providers of family planning services
59 35 that are eligible to receive a 90 percent federal match shall



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60 1 remain at the rates in effect on June 30, 2011.
60 2 q. For the fiscal year beginning July 1, 2011, the
60 3 department shall adjust the rates in effect on June 30,
60 4 2011, for providers of home and community-based services
60 5 waiver services to distribute an additional \$1,500,000 in
60 6 reimbursements to such providers for the fiscal year.
60 7 2. For the fiscal year beginning July 1, 2011, the
60 8 reimbursement rate for providers reimbursed under the
60 9 in-home-related care program shall not be less than the minimum
60 10 payment level as established by the federal government to meet
60 11 the federally mandated maintenance of effort requirement.
60 12 3. Unless otherwise directed in this section, when the
60 13 department's reimbursement methodology for any provider
60 14 reimbursed in accordance with this section includes an
60 15 inflation factor, this factor shall not exceed the amount
60 16 by which the consumer price index for all urban consumers
60 17 increased during the calendar year ending December 31, 2002.
60 18 4. For the fiscal year beginning July 1, 2011,
60 19 notwithstanding section 234.38, the foster family basic daily
60 20 maintenance rate and the maximum adoption subsidy rate for
60 21 children ages 0 through 5 years shall be \$15.74, the rate for
60 22 children ages 6 through 11 years shall be \$16.37, the rate for
60 23 children ages 12 through 15 years shall be \$17.92, and the
60 24 rate for children and young adults ages 16 and older shall be
60 25 \$18.16. The maximum supervised apartment living foster care
60 26 reimbursement rate shall be \$25.00 per day. For youth ages
60 27 18 to 21 who have exited foster care, the maximum preparation
60 28 for adult living program maintenance rate shall be \$574.00 per
60 29 month. The maximum payment for adoption subsidy nonrecurring
60 30 expenses shall be limited to \$500 and the disallowance of
60 31 additional amounts for court costs and other related legal
60 32 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
60 33 section 408 shall be continued.
60 34 5. For the fiscal year beginning July 1, 2011, the maximum
60 35 reimbursement rates under the supervised apartment living



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61 1 program and for social services providers under contract
61 2 shall remain at the rates in effect on June 30, 2011, or the
61 3 provider's actual and allowable cost plus inflation for each
61 4 service, whichever is less. However, if a new service or
61 5 service provider is added after June 30, 2011, the initial
61 6 reimbursement rate for the service or provider shall be
61 7 based upon actual and allowable costs. Providers may also
61 8 be eligible for an additional amount as specified under the
61 9 department's request for proposal, bid number ACFS=11=115.
61 10 6. For the fiscal year beginning July 1, 2011, the
61 11 reimbursement rates for family=centered service providers,
61 12 family foster care service providers, group foster care service
61 13 providers, and the resource family recruitment and retention
61 14 contractor shall remain at the rates in effect on June 30,
61 15 2011.
61 16 7. The group foster care reimbursement rates paid for
61 17 placement of children out of state shall be calculated
61 18 according to the same rate=setting principles as those used for
61 19 in=state providers, unless the director of human services or
61 20 the director's designee determines that appropriate care cannot
61 21 be provided within the state. The payment of the daily rate
61 22 shall be based on the number of days in the calendar month in
61 23 which service is provided.
61 24 8. a. For the fiscal year beginning July 1, 2011, the
61 25 reimbursement rate paid for shelter care and the child welfare
61 26 emergency services implemented to provide or prevent the need
61 27 for shelter care shall be established in a contract based on
61 28 the requirements of the department's request for proposal, bid
61 29 number ACFS=11=114.
61 30 b. For the fiscal year beginning July 1, 2011, the combined
61 31 service and maintenance components of the reimbursement rate
61 32 paid for shelter care services shall be based on the financial
61 33 and statistical report submitted to the department. The
61 34 maximum reimbursement rate shall be \$92.36 per day. The
61 35 department shall reimburse a shelter care provider at the



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62 1 provider's actual and allowable unit cost, plus inflation, not
62 2 to exceed the maximum reimbursement rate.

62 3 c. Notwithstanding section 232.141, subsection 8, for the
62 4 fiscal year beginning July 1, 2011, the amount of the statewide
62 5 average of the actual and allowable rates for reimbursement of
62 6 juvenile shelter care homes that is utilized for the limitation
62 7 on recovery of unpaid costs shall remain at the amount in
62 8 effect for this purpose in the fiscal year beginning July 1,
62 9 2010.

62 10 9. For the fiscal year beginning July 1, 2011, the
62 11 department shall calculate reimbursement rates for intermediate
62 12 care facilities for persons with mental retardation at the
62 13 80th percentile. Beginning July 1, 2011, the rate calculation
62 14 methodology shall utilize the consumer price index inflation
62 15 factor applicable to the fiscal year beginning July 1, 2011.

62 16 10. For the fiscal year beginning July 1, 2011, for child
62 17 care providers reimbursed under the state child care assistance
62 18 program, the department shall set provider reimbursement
62 19 rates based on the rate reimbursement survey completed in
62 20 December 2004. Effective July 1, 2011, the child care provider
62 21 reimbursement rates shall remain at the rates in effect on June
62 22 30, 2011. The department shall set rates in a manner so as
62 23 to provide incentives for a nonregistered provider to become
62 24 registered by applying the increase only to registered and
62 25 licensed providers.

62 26 11. The department may adopt emergency rules to implement
62 27 this section.

62 28 Sec. 30. EMERGENCY RULES.

62 29 1. If specifically authorized by a provision of this
62 30 division of this Act, the department of human services or
62 31 the mental health, and disability services commission may
62 32 adopt administrative rules under section 17A.4, subsection
62 33 3, and section 17A.5, subsection 2, paragraph "b", to
62 34 implement the provisions and the rules shall become effective
62 35 immediately upon filing or on a later effective date specified



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63 1 in the rules, unless the effective date is delayed by the
63 2 administrative rules review committee. Any rules adopted in
63 3 accordance with this section shall not take effect before
63 4 the rules are reviewed by the administrative rules review
63 5 committee. The delay authority provided to the administrative
63 6 rules review committee under section 17A.4, subsection 7, and
63 7 section 17A.8, subsection 9, shall be applicable to a delay
63 8 imposed under this section, notwithstanding a provision in
63 9 those sections making them inapplicable to section 17A.5,
63 10 subsection 2, paragraph "b". Any rules adopted in accordance
63 11 with the provisions of this section shall also be published as
63 12 notice of intended action as provided in section 17A.4.
63 13 2. If during the fiscal year beginning July 1, 2011, the
63 14 department of human services is adopting rules in accordance
63 15 with this section or as otherwise directed or authorized by
63 16 state law, and the rules will result in an expenditure increase
63 17 beyond the amount anticipated in the budget process or if the
63 18 expenditure was not addressed in the budget process for the
63 19 fiscal year, the department shall notify the persons designated
63 20 by this division of this Act for submission of reports,
63 21 the chairpersons and ranking members of the committees on
63 22 appropriations, and the department of management concerning the
63 23 rules and the expenditure increase. The notification shall be
63 24 provided at least 30 calendar days prior to the date notice of
63 25 the rules is submitted to the administrative rules coordinator
63 26 and the administrative code editor.
63 27 Sec. 31. CIVIL MONETARY PENALTIES ==== DIRECT CARE WORKER
63 28 INITIATIVES PROPOSAL. The department of human services shall
63 29 develop a proposal, in collaboration with the department of
63 30 public health, requesting federal approval for the use of
63 31 a portion of the funds received by the department of human
63 32 services as civil monetary penalties from nursing facilities
63 33 to support direct care worker initiatives that enhance the
63 34 quality of care in nursing facilities. The proposal shall
63 35 request use of the funds for direct care worker initiatives



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64 1 based on recommendations of the direct care worker task force
64 2 established pursuant to 2005 Iowa Acts, chapter 88, as included
64 3 in the report submitted to the governor and the general
64 4 assembly in December 2006. Upon completion of the proposal,
64 5 the department of human services shall submit the proposal to
64 6 the centers for Medicare and Medicaid services of the United
64 7 States department of health and human services for approval.
64 8 The department of human services shall notify the persons
64 9 designated in this division of this Act for submission of
64 10 reports upon receipt of approval of the proposal.

64 11 Sec. 32. FEDERAL GRANTS REPORTING. During the fiscal
64 12 year beginning July 1, 2011, the departments and agencies
64 13 receiving an appropriation in this Act from the general fund
64 14 of the state shall report to the persons designated by this
64 15 Act for submission of reports and the department of management
64 16 within 60 calendar days of applying for or renewing a federal
64 17 grant with a value over \$1,000. The report shall list the
64 18 federal funding source and address the potential need for the
64 19 commitment of state funding in order to match or continue the
64 20 funding provided by the federal grant in the present or the
64 21 future.

64 22 Sec. 33. REPORTS. Any reports or information required to be
64 23 compiled and submitted under this Act shall be submitted to the
64 24 chairpersons and ranking members of the joint appropriations
64 25 subcommittee on health and human services, the legislative
64 26 services agency, and the legislative caucus staffs on or
64 27 before the dates specified for submission of the reports or
64 28 information.

64 29 Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
64 30 APPLICABILITY. The following provisions of this division of
64 31 this Act, being deemed of immediate importance, take effect
64 32 upon enactment and if approved by the governor on or after July
64 33 1, 2011, apply retroactively to June 30, 2011:

64 34 The provision under the appropriation for child and family
64 35 services, relating to requirements of section 232.143 for



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65 1 representatives of the department of human services and
65 2 juvenile court services to establish a plan for continuing
65 3 group foster care expenditures for fiscal year 2011=2012.
65 4 DIVISION V
65 5 PHARMACEUTICAL SETTLEMENT ACCOUNT,
65 6 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,
65 7 HEALTH CARE
65 8 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
65 9 QUALITY ASSURANCE TRUST FUND, AND
65 10 HOSPITAL HEALTH CARE ACCESS TRUST FUND
65 11 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
65 12 appropriated from the pharmaceutical settlement account created
65 13 in section 249A.33 to the department of human services for the
65 14 fiscal year beginning July 1, 2011, and ending June 30, 2012,
65 15 the following amount, or so much thereof as is necessary, to be
65 16 used for the purpose designated:
65 17 Notwithstanding any provision of law to the contrary, to
65 18 supplement the appropriations made in this Act for medical
65 19 contracts under the medical assistance program:
65 20 \$ 5,433,613
65 21 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.
65 22 1. There is appropriated from the IowaCare account
65 23 created in section 249J.24 to the state board of regents for
65 24 distribution to the university of Iowa hospitals and clinics
65 25 for the fiscal year beginning July 1, 2011, and ending June 30,
65 26 2012, the following amount, or so much thereof as is necessary,
65 27 to be used for the purposes designated:
65 28 For salaries, support, maintenance, equipment, and
65 29 miscellaneous purposes, for the provision of medical and
65 30 surgical treatment of indigent patients, for provision of
65 31 services to members of the expansion population pursuant to
65 32 chapter 249J, and for medical education:
65 33 \$ 27,284,584
65 34 a. Funds appropriated in this subsection shall not be used
65 35 to perform abortions except medically necessary abortions, and



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66 1 shall not be used to operate the early termination of pregnancy
66 2 clinic except for the performance of medically necessary
66 3 abortions. For the purpose of this subsection, an abortion is
66 4 the purposeful interruption of pregnancy with the intention
66 5 other than to produce a live-born infant or to remove a dead
66 6 fetus, and a medically necessary abortion is one performed
66 7 under one of the following conditions:

66 8 (1) The attending physician certifies that continuing the
66 9 pregnancy would endanger the life of the pregnant woman.

66 10 (2) The attending physician certifies that the fetus is
66 11 physically deformed, mentally deficient, or afflicted with a
66 12 congenital illness.

66 13 (3) The pregnancy is the result of a rape which is reported
66 14 within 45 days of the incident to a law enforcement agency or
66 15 public or private health agency which may include a family
66 16 physician.

66 17 (4) The pregnancy is the result of incest which is reported
66 18 within 150 days of the incident to a law enforcement agency
66 19 or public or private health agency which may include a family
66 20 physician.

66 21 (5) The abortion is a spontaneous abortion, commonly known
66 22 as a miscarriage, wherein not all of the products of conception
66 23 are expelled.

66 24 b. Notwithstanding any provision of law to the contrary,
66 25 the amount appropriated in this subsection shall be distributed
66 26 based on claims submitted, adjudicated, and paid by the Iowa
66 27 Medicaid enterprise.

66 28 c. The university of Iowa hospitals and clinics shall
66 29 certify public expenditures in an amount equal to provide
66 30 the nonfederal share on total expenditures not to exceed
66 31 \$20,000,000.

66 32 2. There is appropriated from the IowaCare account
66 33 created in section 249J.24 to the state board of regents for
66 34 distribution to the university of Iowa hospitals and clinics
66 35 for the fiscal year beginning July 1, 2011, and ending June 30,



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67 1 2012, the following amount, or so much thereof as is necessary,
67 2 to be used for the purposes designated:

67 3 For salaries, support, maintenance, equipment, and
67 4 miscellaneous purposes, for the provision of medical and
67 5 surgical treatment of indigent patients, for provision of
67 6 services to members of the expansion population pursuant to
67 7 chapter 249J, and for medical education:

67 8 \$ 44,226,279

67 9 Notwithstanding any provision of law to the contrary, the
67 10 amount appropriated in this subsection shall be distributed
67 11 based on claims submitted, adjudicated, and paid by the Iowa
67 12 Medicaid enterprise.

67 13 3. There is appropriated from the IowaCare account
67 14 created in section 249J.24, to the state board of regents for
67 15 distribution to university of Iowa physicians for the fiscal
67 16 year beginning July 1, 2011, and ending June 30, 2012, the
67 17 following amount, or so much thereof as is necessary to be used
67 18 for the purposes designated:

67 19 For salaries, support, maintenance, equipment, and
67 20 miscellaneous purposes for the provision of medical and
67 21 surgical treatment of indigent patients, for provision of
67 22 services to members of the expansion population pursuant to
67 23 chapter 249J, and for medical education:

67 24 \$ 16,277,753

67 25 Notwithstanding any provision of law to the contrary, the
67 26 amount appropriated in this subsection shall be distributed
67 27 based on claims submitted, adjudicated, and paid by the Iowa
67 28 Medicaid enterprise. Once the entire amount appropriated in
67 29 this subsection has been distributed, claims shall continue to
67 30 be submitted and adjudicated by the Iowa Medicaid enterprise;
67 31 however, no payment shall be made based upon such claims.

67 32 4. There is appropriated from the IowaCare account created
67 33 in section 249J.24 to the department of human services for the
67 34 fiscal year beginning July 1, 2011, and ending June 30, 2012,
67 35 the following amount, or so much thereof as is necessary, to be



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68 1 used for the purposes designated:

68 2 For distribution to a publicly owned acute care teaching
68 3 hospital located in a county with a population over 350,000 for
68 4 the provision of medical and surgical treatment of indigent
68 5 patients, for provision of services to members of the expansion
68 6 population pursuant to chapter 249J, and for medical education:
68 7 \$ 65,000,000

68 8 a. Notwithstanding any provision of law to the contrary,
68 9 the amount appropriated in this subsection shall be distributed
68 10 based on claims submitted, adjudicated, and paid by the Iowa
68 11 Medicaid enterprise plus a monthly disproportionate share
68 12 hospital payment. Any amount appropriated in this subsection
68 13 in excess of \$60,000,000 shall be distributed only if the sum
68 14 of the expansion population claims adjudicated and paid by the
68 15 Iowa Medicaid enterprise plus the estimated disproportionate
68 16 share hospital payments exceeds \$60,000,000. The amount paid
68 17 in excess of \$60,000,000 shall not adjust the original monthly
68 18 payment amount but shall be distributed monthly based on actual
68 19 claims adjudicated and paid by the Iowa Medicaid enterprise
68 20 plus the estimated disproportionate share hospital amount. Any
68 21 amount appropriated in this subsection in excess of \$60,000,000
68 22 shall be allocated only if federal funds are available to match
68 23 the amount allocated. Pursuant to paragraph "b", of the amount
68 24 appropriated in this subsection, not more than \$4,000,000 shall
68 25 be distributed for prescription drugs and podiatry services.

68 26 b. Notwithstanding any provision of law to the contrary, the
68 27 hospital identified in this subsection, shall be reimbursed for
68 28 outpatient prescription drugs and podiatry services provided to
68 29 members of the expansion population pursuant to all applicable
68 30 medical assistance program rules, in an amount not to exceed
68 31 \$4,000,000.

68 32 c. Notwithstanding the total amount of proceeds distributed
68 33 pursuant to section 249J.24, subsection 4, paragraph "a",
68 34 unnumbered paragraph 1, for the fiscal year beginning July
68 35 1, 2011, and ending June 30, 2012, the county treasurer of a



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69 1 county with a population of over 350,000 in which a publicly
69 2 owned acute care teaching hospital is located shall distribute
69 3 the proceeds collected pursuant to section 347.7 in a total
69 4 amount of \$38,000,000, which would otherwise be distributed to
69 5 the county hospital, to the treasurer of state for deposit in
69 6 the IowaCare account.

69 7 d. (1) Notwithstanding the amount collected and
69 8 distributed for deposit in the IowaCare account pursuant to
69 9 section 249J.24, subsection 6, paragraph "a", subparagraph
69 10 (1), the first \$19,000,000 in proceeds collected pursuant to
69 11 section 347.7 between July 1, 2011, and December 31, 2011,
69 12 shall be distributed to the treasurer of state for deposit in
69 13 the IowaCare account and collections during this time period
69 14 in excess of \$19,000,000 shall be distributed to the acute
69 15 care teaching hospital identified in this subsection. Of the
69 16 collections in excess of the \$19,000,000 received by the acute
69 17 care teaching hospital under this subparagraph (1), \$2,000,000
69 18 shall be distributed by the acute care teaching hospital to the
69 19 treasurer of state for deposit in the IowaCare account in the
69 20 month of January 2012, following the July 1 through December
69 21 31, 2011, period.

69 22 (2) Notwithstanding the amount collected and distributed
69 23 for deposit in the IowaCare account pursuant to section
69 24 249J.24, subsection 6, paragraph "a", subparagraph (2),
69 25 the first \$19,000,000 in collections pursuant to section
69 26 347.7 between January 1, 2012, and June 30, 2012, shall be
69 27 distributed to the treasurer of state for deposit in the
69 28 IowaCare account and collections during this time period in
69 29 excess of \$19,000,000 shall be distributed to the acute care
69 30 teaching hospital identified in this subsection. Of the
69 31 collections in excess of the \$19,000,000 received by the acute
69 32 care teaching hospital under this subparagraph (2), \$2,000,000
69 33 shall be distributed by the acute care teaching hospital to the
69 34 treasurer of state for deposit in the IowaCare account in the
69 35 month of July 2012, following the January 1 through June 30,



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70 1 2012, period.

70 2 5. There is appropriated from the IowaCare account created
70 3 in section 249J.24 to the department of human services for the
70 4 fiscal year beginning July 1, 2011, and ending June 30, 2012,
70 5 the following amount, or so much thereof as is necessary to be
70 6 used for the purpose designated:

70 7 For payment to the regional provider network specified
70 8 by the department pursuant to section 249J.7 for provision
70 9 of covered services to members of the expansion population
70 10 pursuant to chapter 249J:

70 11 \$ 3,472,176

70 12 Notwithstanding any provision of law to the contrary, the
70 13 amount appropriated in this subsection shall be distributed
70 14 based on claims submitted, adjudicated, and paid by the Iowa
70 15 Medicaid enterprise. Once the entire amount appropriated in
70 16 this subsection has been distributed, claims shall continue to
70 17 be submitted and adjudicated by the Iowa Medicaid enterprise;
70 18 however, no payment shall be made based upon such claims.

70 19 6. There is appropriated from the IowaCare account created
70 20 in section 249J.24 to the department of human services for the
70 21 fiscal year beginning July 1, 2011, and ending June 30, 2012,
70 22 the following amount, or so much thereof as is necessary to be
70 23 used for the purposes designated:

70 24 For a care coordination pool to pay the expansion population
70 25 providers consisting of the university of Iowa hospitals and
70 26 clinics, the publicly owned acute care teaching hospital as
70 27 specified in section 249J.7, and current medical assistance
70 28 program providers that are not expansion population network
70 29 providers pursuant to section 249J.7, for services covered by
70 30 the full benefit medical assistance program but not under the
70 31 IowaCare program pursuant to section 249J.6, that are provided
70 32 to expansion population members:

70 33 \$ 1,500,000

70 34 a. Notwithstanding sections 249J.6 and 249J.7, the amount
70 35 appropriated in this subsection is intended to provide



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71 1 payment for medically necessary services provided to expansion
71 2 population members for continuation of care provided by the
71 3 university of Iowa hospitals and clinics or the publicly owned
71 4 acute care teaching hospital as specified in section 249J.7.
71 5 Payment may only be made for services that are not otherwise
71 6 covered under section 249J.6, and which are follow-up services
71 7 to covered services provided by the hospitals specified in this
71 8 paragraph "a".

71 9 b. The funds appropriated in this subsection are intended
71 10 to provide limited payment for continuity of care services for
71 11 an expansion population member, and are intended to cover the
71 12 costs of services to expansion population members, regardless
71 13 of the member's county of residence or medical home assignment,
71 14 if the care is related to specialty or hospital services
71 15 provided by the hospitals specified in paragraph "a".

71 16 c. The funds appropriated in this subsection are
71 17 not intended to provide for expanded coverage under the
71 18 IowaCare program, and shall not be used to cover emergency
71 19 transportation services.

71 20 d. The department shall adopt administrative rules pursuant
71 21 to chapter 17A to establish a prior authorization process and
71 22 to identify covered services for reimbursement under this
71 23 subsection.

71 24 7. There is appropriated from the IowaCare account created
71 25 in section 249J.24 to the department of human services for the
71 26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
71 27 the following amount or so much thereof as is necessary to be
71 28 used for the purposes designated:

71 29 For a laboratory test and radiology pool for services
71 30 authorized by a federally qualified health center designated
71 31 by the department as part of the IowaCare regional provider
71 32 network that does not have the capability to provide these
71 33 services on site:

71 34 \$ 500,000

71 35 Notwithstanding sections 249J.6 and 249J.7, the amount



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72 1 appropriated in this subsection is intended to provide
72 2 reimbursement for services provided to expansion population
72 3 members that have previously been paid for through expenditure
72 4 by designated regional provider network providers of their
72 5 own funds, not to expand coverage under the IowaCare program
72 6 or to expand the expansion population provider network. The
72 7 department shall designate the laboratory and radiology
72 8 provider associated with each designated regional provider
72 9 network provider that may receive reimbursement. The
72 10 department shall adopt administrative rules pursuant to chapter
72 11 17A to establish a prior authorization process and to identify
72 12 covered services for reimbursement under this subsection.
72 13 All other medical assistance program payment policies and
72 14 rules for laboratory and radiology services shall apply to
72 15 services provided under this subsection. If the entire amount
72 16 appropriated under this subsection is expended, laboratory
72 17 tests and radiology services ordered by a designated regional
72 18 provider network provider shall be the financial responsibility
72 19 of the regional provider network provider.

72 20 Sec. 37. APPROPRIATIONS FROM NONPARTICIPATING
72 21 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
72 22 SERVICES. Notwithstanding any provision to the contrary, and
72 23 subject to the availability of funds, there is appropriated
72 24 from the nonparticipating provider reimbursement fund created
72 25 in section 249J.24A to the department of human services for the
72 26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
72 27 the following amount or so much thereof as is necessary for the
72 28 purposes designated:

72 29 To reimburse nonparticipating providers in accordance with
72 30 section 249J.24A:
72 31 \$ 2,000,000

72 32 Sec. 38. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
72 33 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
72 34 Notwithstanding any provision to the contrary, there is
72 35 appropriated from the account for health care transformation



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73 1 created in section 249J.23 to the department of human services
73 2 for the fiscal year beginning July 1, 2011, and ending June
73 3 30, 2012, the following amounts, or so much thereof as is
73 4 necessary, to be used for the purposes designated:
73 5 1. For the provision of an IowaCare nurse helpline for the
73 6 expansion population as provided in section 249J.6:
73 7 \$ 100,000
73 8 2. For other health promotion partnership activities
73 9 pursuant to section 249J.14:
73 10 \$ 600,000
73 11 3. For the costs related to audits, performance
73 12 evaluations, and studies required pursuant to chapter 249J:
73 13 \$ 125,000
73 14 4. For administrative costs associated with chapter 249J:
73 15 \$ 1,132,412
73 16 5. For planning and development, in cooperation with the
73 17 department of public health, of a phased-in program to provide
73 18 a dental home for children in accordance with section 249J.14:
73 19 \$ 1,000,000
73 20 6. For continuation of the establishment of the tuition
73 21 assistance for individuals serving individuals with
73 22 disabilities pilot program, as enacted in 2008 Iowa Acts,
73 23 chapter 1187, section 130:
73 24 \$ 50,000
73 25 7. For medical contracts:
73 26 \$ 2,000,000
73 27 8. For payment to the publicly owned acute care teaching
73 28 hospital located in a county with a population of over 350,000
73 29 that is a participating provider pursuant to chapter 249J:
73 30 \$ 290,000
73 31 Disbursements under this subsection shall be made monthly.
73 32 The hospital shall submit a report following the close of the
73 33 fiscal year regarding use of the funds appropriated in this
73 34 subsection to the persons specified in this Act to receive
73 35 reports.



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74 1 9. For transfer to the department of public health to be
74 2 used for the costs of medical home system advisory council
74 3 established pursuant to section 135.159, including for the
74 4 incorporation of the work and duties of the prevention and
74 5 chronic care management advisory council pursuant to section
74 6 135.161, as amended by this Act:
74 7 \$ 233,357
74 8 Notwithstanding section 8.39, subsection 1, without the
74 9 prior written consent and approval of the governor and the
74 10 director of the department of management, the director of human
74 11 services may transfer funds among the appropriations made in
74 12 this section as necessary to carry out the purposes of the
74 13 account for health care transformation. The department shall
74 14 report any transfers made pursuant to this section to the
74 15 legislative services agency.
74 16 Sec. 39. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
74 17 INSPECTIONS AND APPEALS. There is appropriated from the
74 18 Medicaid fraud account created in section 249A.7 to the
74 19 department of inspections and appeals for the fiscal year
74 20 beginning July 1, 2011, and ending June 30, 2012, the following
74 21 amount, or so much thereof as is necessary, to be used for the
74 22 purposes designated:
74 23 For the inspection and certification of assisted living
74 24 programs and adult day care services, including program
74 25 administration and costs associated with implementation:
74 26 \$ 1,339,527
74 27 Sec. 40. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF HUMAN
74 28 SERVICES. There is appropriated from the Medicaid fraud
74 29 account created in section 249A.7 to the department of human
74 30 services for the fiscal year beginning July 1, 2011, and ending
74 31 June 30, 2012, the following amount, or so much thereof as is
74 32 necessary, to be used for the purposes designated:
74 33 To supplement the appropriation made in this Act from the
74 34 general fund of the state to the department of human services
74 35 for medical assistance:



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75 1 \$ 2,000,000
75 2 Sec. 41. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
75 3 SERVICES. Notwithstanding any provision to the contrary and
75 4 subject to the availability of funds, there is appropriated
75 5 from the quality assurance trust fund created in section
75 6 249L.4 to the department of human services for the fiscal year
75 7 beginning July 1, 2011, and ending June 30, 2012, the following
75 8 amounts, or so much thereof as is necessary for the purposes
75 9 designated:
75 10 1. To supplement the appropriation made in this Act from the
75 11 general fund of the state to the department of human services
75 12 for medical assistance:
75 13 \$ 60,496,712
75 14 2. To increase the monthly upper cost limit for services
75 15 under the medical assistance home and community-based services
75 16 waiver for the elderly:
75 17 \$ 1,000,000
75 18 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND ====
75 19 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
75 20 the contrary and subject to the availability of funds, there is
75 21 appropriated from the hospital health care access trust fund
75 22 created in section 249M.4 to the department of human services
75 23 for the fiscal year beginning July 1, 2011, and ending June
75 24 30, 2012, the following amounts, or so much thereof as is
75 25 necessary, for the purposes designated:
75 26 1. To supplement the appropriation made in this Act from the
75 27 general fund of the state to the department of human services
75 28 for medical assistance:
75 29 \$ 39,223,800
75 30 2. For deposit in the nonparticipating provider
75 31 reimbursement fund created in section 249J.24A to be used for
75 32 the purposes of the fund:
75 33 \$ 776,200
75 34 Sec. 43. MEDICAL ASSISTANCE PROGRAM ==== NONREVERSION
75 35 FOR FY 2011=2012. Notwithstanding section 8.33, if moneys



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76 1 appropriated for purposes of the medical assistance program
76 2 for the fiscal year beginning July 1, 2011, and ending June
76 3 30, 2012, from the general fund of the state, the Medicaid
76 4 fraud account, the quality assurance trust fund, and the
76 5 hospital health care access trust fund, are in excess of actual
76 6 expenditures for the medical assistance program and remain
76 7 unencumbered or unobligated at the close of the fiscal year,
76 8 the excess moneys shall not revert but shall remain available
76 9 for expenditure for the purposes of the medical assistance
76 10 program until the close of the succeeding fiscal year.

DIVISION VI

76 12 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
76 13 2011=2012

76 14 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
76 15 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
76 16 RELIEF. Notwithstanding the standing appropriation in section
76 17 426B.1, subsection 2, for the fiscal year beginning July 1,
76 18 2011, and ending June 30, 2012, the amount appropriated from
76 19 the general fund of the state pursuant to that provision shall
76 20 not exceed the following amount:

..... \$

76 21 81,199,911

76 22 Sec. 45. 2010 Iowa Acts, chapter 1193, section 1, is amended
76 23 to read as follows:

76 24 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING
76 25 ==== FY 2011=2012.

76 26 1. Notwithstanding section 331.439, subsection 3, the
76 27 allowed growth factor adjustment for county mental health,
76 28 mental retardation, and developmental disabilities service
76 29 expenditures for the fiscal year beginning July 1, 2011, shall
76 30 be established by statute which shall be enacted within thirty
76 31 calendar days of the convening of the Eighty=fourth General
76 32 Assembly, 2011 Session, on January 10, 2011. The governor
76 33 shall submit to the general assembly a recommendation for such
76 34 allowed growth factor adjustment and the amounts of related
76 35 appropriations to the general assembly on or before January 11,



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77 1 2011.

77 2 2. The appropriation and allocations made in this section
77 3 fulfill the requirements of the governor and general assembly
77 4 under subsection 1.

77 5 3. There is appropriated from the general fund of the
77 6 state to the department of human services for the fiscal year
77 7 beginning July 1, 2011, and ending June 30, 2012, the following
77 8 amount, or so much thereof as is necessary, to be used for the
77 9 purpose designated:

77 10 For distribution to counties of the county mental health,
77 11 mental retardation, and developmental disabilities allowed
77 12 growth factor adjustment for fiscal year 2011=2012 as provided
77 13 in this section in lieu of the allowed growth factor provisions
77 14 of section 331.438, subsection 2, and section 331.439,
77 15 subsection 3, and chapter 426B:

77 16 \$ 48,697,893

77 17 Sec. 46. 2010 Iowa Acts, chapter 1193, section 1, as
77 18 amended by this division of this Act, is amended by adding the
77 19 following new subsections:

77 20 NEW SUBSECTION. 4. Of the amount appropriated in this
77 21 section, \$12,000,000 shall be distributed as provided in this
77 22 subsection.

77 23 a. To be eligible to receive a distribution under this
77 24 subsection, a county must meet the following requirements:

77 25 (1) The county is levying for the maximum amount allowed
77 26 for the county's mental health, mental retardation, and
77 27 developmental disabilities services fund under section 331.424A
77 28 for taxes due and payable in the fiscal year beginning July 1,
77 29 2011, or the county is levying for at least 90 percent of the
77 30 maximum amount allowed for the county's services fund and that
77 31 levy rate is more than \$2 per \$1,000 of the assessed value of
77 32 all taxable property in the county.

77 33 (2) In the fiscal year beginning July 1, 2009, the
77 34 county's mental health, mental retardation, and developmental
77 35 disabilities services fund ending balance under generally



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78 1 accepted accounting principles was equal to or less than 15
78 2 percent of the county's actual gross expenditures for that
78 3 fiscal year.
78 4 b. The amount of a county's distribution from the allocation
78 5 made in this subsection shall be determined based upon the
78 6 county's proportion of the general population of the counties
78 7 eligible to receive a distribution under this subsection. The
78 8 latest certified federal census issued by the United States
78 9 bureau of the census shall be applied in determining population
78 10 for the purposes of this paragraph.
78 11 c. The distributions made pursuant to this subsection
78 12 are subject to the distribution provisions and withholding
78 13 requirements established in this section for the county mental
78 14 health, mental retardation, and developmental disabilities
78 15 allowed growth factor adjustment for the fiscal year beginning
78 16 July 1, 2011.
78 17 NEW SUBSECTION. 5. The following amount of the funding
78 18 appropriated in this section is the allowed growth factor
78 19 adjustment for fiscal year 2011=2012, and shall be credited to
78 20 the allowed growth funding pool created in the property tax
78 21 relief fund and for distribution in accordance with section
78 22 426B.5, subsection 1:
78 23 \$ 36,697,893
78 24 NEW SUBSECTION. 6. The following formula amounts shall be
78 25 utilized only to calculate preliminary distribution amounts for
78 26 the allowed growth factor adjustment for fiscal year 2011=2012
78 27 under this section by applying the indicated formula provisions
78 28 to the formula amounts and producing a preliminary distribution
78 29 total for each county:
78 30 a. For calculation of a distribution amount for eligible
78 31 counties from the allowed growth funding pool created in the
78 32 property tax relief fund in accordance with the requirements in
78 33 section 426B.5, subsection 1:
78 34 \$ 49,773,346
78 35 b. For calculation of a distribution amount for counties



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79 1 from the mental health and developmental disabilities (MH/DD)
79 2 community services fund in accordance with the formula provided
79 3 in the appropriation made for the MH/DD community services fund
79 4 for the fiscal year beginning July 1, 2011:
79 5 \$ 14,187,556
79 6 NEW SUBSECTION. 7. a. After applying the applicable
79 7 statutory distribution formulas to the amounts indicated in
79 8 subsection 6 for purposes of producing preliminary distribution
79 9 totals, the department of human services shall apply a
79 10 withholding factor to adjust an eligible individual county's
79 11 preliminary distribution total. In order to be eligible for
79 12 a distribution under this section, a county must be levying
79 13 90 percent or more of the maximum amount allowed for the
79 14 county's mental health, mental retardation, and developmental
79 15 disabilities services fund under section 331.424A for taxes due
79 16 and payable in the fiscal year for which the distribution is
79 17 payable.
79 18 b. An ending balance percentage for each county shall
79 19 be determined by expressing the county's ending balance on a
79 20 modified accrual basis under generally accepted accounting
79 21 principles for the fiscal year beginning July 1, 2009, in the
79 22 county's mental health, mental retardation, and developmental
79 23 disabilities services fund created under section 331.424A, as a
79 24 percentage of the county's gross expenditures from that fund
79 25 for that fiscal year. If a county borrowed moneys for purposes
79 26 of providing services from the county's services fund on or
79 27 before July 1, 2009, and the county's services fund ending
79 28 balance for that fiscal year includes the loan proceeds or an
79 29 amount designated in the county budget to service the loan for
79 30 the borrowed moneys, those amounts shall not be considered
79 31 to be part of the county's ending balance for purposes of
79 32 calculating an ending balance percentage under this subsection.
79 33 c. For purposes of calculating withholding factors and
79 34 for ending balance amounts used for other purposes under law,
79 35 the county ending balances shall be adjusted, using forms



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80 1 developed for this purpose by the county finance committee,
80 2 to disregard the temporary funding increase provided to the
80 3 counties for the fiscal year through the federal American
80 4 Recovery and Reinvestment Act of 2009, Pub. L. No. 111=5. In
80 5 addition, a county may adjust the ending balance amount by
80 6 rebating to the department all or a portion of the allowed
80 7 growth and MH/DD services fund moneys the county received for
80 8 the fiscal year beginning July 1, 2010, in accordance with
80 9 2009 Iowa Acts, chapter 179, section 1, as amended by 2009
80 10 Iowa Acts, chapter 1192, sections 47 and 48, or from any other
80 11 services fund moneys available to the county. The rebate must
80 12 be remitted to the department on or before June 1, 2011, in
80 13 order to be counted. However, if this division of this Act
80 14 is enacted after June 1, 2011, the rebate must be remitted no
80 15 later than 10 calendar days after the date of the governor's
80 16 approval of this Act. The amount rebated by a county shall be
80 17 subtracted dollar=for=dollar from the county's ending balance
80 18 amount for the fiscal year beginning July 1, 2009, for purposes
80 19 of calculating the withholding factor and for other ending
80 20 balance purposes for the fiscal year beginning July 1, 2011.
80 21 The rebates received by the department shall be credited to the
80 22 property tax relief fund and distributed as additional funding
80 23 for the fiscal year beginning July 1, 2011, in accordance with
80 24 the formula provisions in this section.

80 25 d. The withholding factor for a county shall be the
80 26 following applicable percent:

80 27 (1) For an ending balance percentage of less than 5
80 28 percent, a withholding factor of 0 percent. In addition,
80 29 a county that is subject to this lettered paragraph shall
80 30 receive an inflation adjustment equal to 3 percent of the gross
80 31 expenditures reported for the county's services fund for the
80 32 fiscal year.

80 33 (2) For an ending balance percentage of 5 percent or more
80 34 but less than 10 percent, a withholding factor of 0 percent.
80 35 In addition, a county that is subject to this lettered



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81 1 paragraph shall receive an inflation adjustment equal to 2
81 2 percent of the gross expenditures reported for the county's
81 3 services fund for the fiscal year.

81 4 (3) For an ending balance percentage of 10 percent or more
81 5 but less than 25 percent, a withholding factor of 25 percent.
81 6 However, for counties with an ending balance percentage of 10
81 7 percent or more but less than 15 percent, the amount withheld
81 8 shall be limited to the amount by which the county's ending
81 9 balance was in excess of the ending balance percentage of 10
81 10 percent.

81 11 (4) For an ending balance percentage of 25 percent or more,
81 12 a withholding percentage of 100 percent.

81 13 NEW SUBSECTION. 8. The total withholding amounts applied
81 14 pursuant to subsection 7 shall be equal to a withholding target
81 15 amount of \$13,075,453. If the department of human services
81 16 determines that the amount appropriated is insufficient or
81 17 the amount to be withheld in accordance with subsection 7 is
81 18 not equal to the target withholding amount, the department
81 19 shall adjust the withholding factors listed in subsection 7 as
81 20 necessary to achieve the target withholding amount. However,
81 21 in making such adjustments to the withholding factors, the
81 22 department shall strive to minimize changes to the withholding
81 23 factors for those ending balance percentage ranges that are
81 24 lower than others and shall only adjust the zero withholding
81 25 factor or the inflation adjustment percentages specified in
81 26 subsection 7, paragraph "d", when the amount appropriated is
81 27 insufficient.

81 28 Sec. 47. 2010 Iowa Acts, chapter 1193, section 99, is
81 29 amended to read as follows:

81 30 SEC. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding
81 31 section 331.424A, subsection 5, and section 331.432, subsection
81 32 3, for the fiscal year beginning July 1, 2010, and ending June
81 33 30, 2011, a county may transfer moneys from other funds of the
81 34 county to the county's mental health, mental retardation, and
81 35 developmental disabilities services fund created in section



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82 1 331.424A. A county transferring moneys from other funds of the
82 2 county to the county's services fund pursuant to this section
82 3 shall submit a report detailing the transfers made and funds
82 4 affected. The county shall submit the report along with the
82 5 county expenditure and information report submitted by December
82 6 1, ~~2010~~ 2011, in accordance with section 331.439.

82 7 Sec. 48. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
82 8 APPLICABILITY. The section of this division of this Act
82 9 amending 2010 Iowa Acts, chapter 1193, section 99, being deemed
82 10 of immediate importance, takes effect upon enactment and is
82 11 retroactively applicable to December 1, 2010.

82 12 DIVISION VII

82 13 PRIOR APPROPRIATIONS AND RELATED CHANGES

82 14 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

82 15 Sec. 49. NEW SECTION. 16.185 Community housing and services
82 16 for persons with disabilities revolving loan program fund.

82 17 1. A community housing and services for persons with
82 18 disabilities revolving loan program fund is created within the
82 19 authority to further the availability of affordable housing and
82 20 supportive services for Medicaid waiver=eligible individuals
82 21 with behaviors that provide significant barriers to accessing
82 22 traditional rental and supportive services opportunities. The
82 23 moneys in the fund are annually appropriated to the authority
82 24 to be used for the development and operation of a revolving
82 25 loan program to provide financing to construct affordable
82 26 permanent supportive housing or develop infrastructure in
82 27 which to provide supportive services, including through new
82 28 construction, acquisition and rehabilitation of existing
82 29 housing or infrastructure, or conversion or adaptive reuse.

82 30 2. Moneys transferred by the authority for deposit in the
82 31 community housing and services for persons with disabilities
82 32 revolving loan program fund, moneys appropriated to the
82 33 community housing and services for persons with disabilities
82 34 revolving loan program, and any other moneys available to and
82 35 obtained or accepted by the authority for placement in the



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83 1 fund shall be credited to the fund. Additionally, payment of
83 2 interest, recaptures of awards, and other repayments to the
83 3 community housing and services for persons with disabilities
83 4 revolving loan program fund shall be credited to the fund.
83 5 Notwithstanding section 12C.7, subsection 2, interest or
83 6 earnings on moneys in the fund shall be credited to the fund.
83 7 Notwithstanding section 8.33, moneys credited to the fund from
83 8 any other fund that remain unencumbered or unobligated at the
83 9 close of the fiscal year shall not revert to the other fund.
83 10 3. a. The authority shall annually allocate moneys
83 11 available in the fund for the development of permanent
83 12 supportive housing for Medicaid waiver=eligible individuals.
83 13 The authority shall develop a joint application process for the
83 14 allocation of United States housing and urban development HOME
83 15 investment partnerships program funding and the funds available
83 16 under this section. Moneys allocated to such projects may be
83 17 in the form of loans, forgivable loans, or a combination of
83 18 loans and forgivable loans.
83 19 b. The authority shall annually allocate moneys available
83 20 in the fund for the development of infrastructure in which
83 21 to provide supportive services for Medicaid waiver=eligible
83 22 individuals who meet the psychiatric medical institution for
83 23 children level of care. Moneys allocated to such projects may
83 24 be in the form of loans, forgivable loans, or a combination of
83 25 loans and forgivable loans.
83 26 4. a. A project shall demonstrate written approval of the
83 27 project by the department of human services to the authority
83 28 prior to application for funding under this section.
83 29 b. In order to be approved by the department of human
83 30 services for application for funding for development of
83 31 permanent supportive housing under this section, a project
83 32 shall include all of the following components:
83 33 (1) Provision of services to any of the following Medicaid
83 34 waiver=eligible individuals:
83 35 (a) Individuals who are currently underserved in community



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84 1 placements, including individuals who are physically aggressive
84 2 or have behaviors that are difficult to manage or individuals
84 3 who meet the psychiatric medical institution for children level
84 4 of care.

84 5 (b) Individuals who are currently residing in out-of-state
84 6 facilities.

84 7 (c) Individuals who are currently receiving care in a
84 8 licensed health care facility.

84 9 (2) A plan to provide each individual with crisis
84 10 stabilization services to ensure that the individual's
84 11 behavioral issues are appropriately addressed by the provider.

84 12 (3) Policies and procedures that prohibit discharge of the
84 13 individual from the waiver services provided by the project
84 14 provider unless an alternative placement that is acceptable to
84 15 the client or the client's guardian is identified.

84 16 c. In order to be approved by the department of human
84 17 services for application for funding for development of
84 18 infrastructure in which to provide supportive services under
84 19 this section, a project shall include all of the following
84 20 components:

84 21 (1) Provision of services to Medicaid waiver-eligible
84 22 individuals who meet the psychiatric medical institution for
84 23 children level of care.

84 24 (2) Policies and procedures that prohibit discharge of the
84 25 individual from the waiver services provided by the project
84 26 provider unless an alternative placement that is acceptable to
84 27 the client or the client's guardian is identified.

84 28 d. Housing provided through a project under this section is
84 29 exempt from the requirements of chapter 1350.

84 30 5. The authority, in collaboration with the department of
84 31 human services, shall adopt rules pursuant to chapter 17A to
84 32 administer this section.

84 33 VIETNAM CONFLICT VETERANS BONUS

84 34 Sec. 50. Section 35A.8A, subsection 2, paragraph d, Code
84 35 2011, is amended to read as follows:



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85 1 d. The person files an application for compensation under
85 2 this section, in a manner determined by the department of
85 3 veterans affairs, by ~~July 1, 2010~~ May 1, 2011.

85 4 VIETNAM CONFLICT VETERANS

85 5 BONUS FUND

85 6 Sec. 51. 2008 Iowa Acts, chapter 1187, section 68, as
85 7 amended by 2009 Iowa Acts, chapter 182, section 82, and 2010
85 8 Iowa Acts, chapter 1192, section 55, is amended to read as
85 9 follows:

85 10 Notwithstanding section 8.33, moneys appropriated in this
85 11 section that remain unencumbered or unobligated at the close of
85 12 the fiscal year shall not revert but shall remain available for
85 13 expenditure for the purposes designated until the ~~close of the~~
~~85 14 fiscal year beginning July 1, 2010~~ repeal of section 35A.8A.

85 15 Upon such repeal, the remaining moneys shall be transferred to
85 16 the veterans trust fund and, notwithstanding section 35A.13,
85 17 subsection 3, shall only be expended in accordance with an
85 18 appropriation for purposes of a bonus enacted for veterans of
85 19 the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

85 20 INJURED VETERANS GRANT PROGRAM

85 21 Sec. 52. 2008 Iowa Acts, chapter 1187, section 69,
85 22 unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter
85 23 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56,
85 24 is amended to read as follows:

85 25 Notwithstanding section 8.33, moneys appropriated in this
85 26 subsection that remain unencumbered or unobligated at the close
85 27 of the fiscal year shall not revert but shall remain available
85 28 for expenditure for the purposes designated until the close of
85 29 the fiscal year beginning July 1, ~~2010~~ 2011.

85 30 BEHAVIORAL HEALTH SERVICES

85 31 ACCOUNT ==== MEDICAL ASSISTANCE

85 32 Sec. 53. 2009 Iowa Acts, chapter 182, section 9, subsection
85 33 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192,
85 34 section 63, is amended to read as follows:

85 35 b. The department shall continue to maintain a separate



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86 1 account within the medical assistance budget for the deposit
86 2 of all funds remitted pursuant to a contract with a third
86 3 party to administer behavioral health services under the
86 4 medical assistance program established pursuant to 2008 Iowa
86 5 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
86 6 section 8.33, other than funds remaining from the appropriation
86 7 allocations made for implementation of the emergency mental
86 8 health crisis services and system, for implementation of the
86 9 mental health services system for children and youth, and
86 10 for training of child welfare services providers in 2008
86 11 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph
86 12 "c", subparagraphs (1), (2), and (6), as authorized in 2009
86 13 Iowa Acts, chapter 182, section 72, shall not revert but
86 14 shall remain available in succeeding fiscal years to be used
86 15 for the purposes designated until expended and any other
86 16 funds remaining in the account that remain unencumbered or
86 17 unobligated at the end of the fiscal year shall not revert
86 18 but shall remain available in succeeding fiscal years
86 19 ~~and are appropriated to the department to be used for the~~
~~86 20 medical assistance program to be used for purposes of crisis~~
86 21 stabilization and other mental and behavioral health service
86 22 improvements.

86 23 CHILD WELFARE DECATEGORIZATION

86 24 FY 2009=2010 NONREVERSION

86 25 Sec. 54. 2009 Iowa Acts, chapter 182, section 14, subsection
86 26 5, is amended by adding the following new unnumbered paragraph:

86 27 NEW UNNUMBERED PARAGRAPH Notwithstanding section

86 28 232.188, subsection 5, moneys from the allocations made

86 29 in this subsection or made from any other source for the

86 30 decategorization of child welfare and juvenile justice funding

86 31 initiative under section 232.188 for the fiscal year beginning

86 32 July 1, 2009, that are designated as carryover funding that

86 33 remain unencumbered or unobligated at the close of the fiscal

86 34 year beginning July 1, 2010, shall not revert but shall be

86 35 transferred to the community housing and services for persons



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87 1 with disabilities revolving loan program fund created in
87 2 section 16.185, as enacted by this division of this Act.
87 3 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ==== ALLOCATION
87 4 FOR INFANT AND TODDLER CARE QUALITY
87 5 Sec. 55. 2009 Iowa Acts, chapter 183, section 62, subsection
87 6 3, is amended to read as follows:
87 7 3. For the purposes of this subsection, "federal poverty
87 8 level" means the poverty level defined by the most recently
87 9 revised poverty income guidelines published by the United
87 10 States department of health and human services. The program
87 11 shall provide financial assistance to families with infants
87 12 and toddlers less than thirty=six months of age ~~two~~ that have
87 13 a family income of more than 145 percent but not more than 185
87 14 percent of the federal poverty level. However, the department
87 15 may adjust the qualifying criteria or the financial assistance
87 16 purpose provisions specified in this subsection or make other
87 17 changes as necessary for implementation to conform with federal
87 18 requirements for the funding. Outcome reporting and other
87 19 grant requirements shall be developed by the department in
87 20 cooperation with the Iowa empowerment board.
87 21 Sec. 56. 2009 Iowa Acts, chapter 183, section 62, subsection
87 22 4, is amended to read as follows:
87 23 4. The financial assistance shall be for any of the
87 24 following purposes:
87 25 a. For making temporary payments to qualifying families
87 26 whose members are recently unemployed and seeking work to use
87 27 in meeting immediate family needs.
87 28 b. For providing sliding scale subsidies for qualifying
87 29 families for child care provided to the families' infants
87 30 and toddlers by providers who are accredited by the national
87 31 association for the education of young children or the national
87 32 association for family child care, or who have a rating at
87 33 level ~~3~~ 2 or higher under the child care quality rating system
87 34 implemented pursuant to section 237A.30.
87 35 c. For expanding training and other support for infant care



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88 1 providers in the community and this state.

88 2 d. For ensuring child care environments are healthy and
88 3 safe.

88 4 e. For promoting positive relationships between parents
88 5 and providers in their mutual efforts to care for very young
88 6 children.

88 7 f. For ensuring that parents have the information and
88 8 resources needed to choose quality child care.

88 9 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

88 10 Sec. 57. 2010 Iowa Acts, chapter 1192, section 1, subsection
88 11 2, is amended to read as follows:

88 12 2. ~~a.~~ Of the funds appropriated in this section, \$1,246,514
88 13 shall be transferred to the department of human services in
88 14 equal amounts on a quarterly basis for reimbursement of case
88 15 management services provided under the medical assistance
88 16 elderly waiver. The department of human services shall adopt
88 17 rules for case management services provided under the medical
88 18 assistance elderly waiver in consultation with the department
88 19 on aging.

88 20 b. ~~The department of human services shall review~~
~~88 21 projections for state funding expenditures for reimbursement~~
~~88 22 of case management services under the medical assistance~~
~~88 23 elderly waiver on a quarterly basis and shall determine if an~~
~~88 24 adjustment to the medical assistance reimbursement rates are~~
~~88 25 necessary to provide reimbursement within the state funding~~
~~88 26 amounts budgeted under the appropriations made for the fiscal~~
~~88 27 year for the medical assistance program. Any temporary~~
~~88 28 enhanced federal financial participation that may become~~
~~88 29 available for the medical assistance program during the fiscal~~
~~88 30 year shall not be used in projecting the medical assistance~~
~~88 31 elderly waiver case management budget. The department of human~~
~~88 32 services shall revise such reimbursement rates as necessary to~~
~~88 33 maintain expenditures for medical assistance elderly waiver~~
~~88 34 case management services within the state funding amounts~~
~~88 35 budgeted under the appropriations made for the fiscal year for~~



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~~89 1 the medical assistance program.~~

89 2 IOWA VETERANS HOME

89 3 Sec. 58. 2010 Iowa Acts, chapter 1192, section 3, subsection
89 4 2, is amended by adding the following new paragraph:

89 5 NEW PARAGRAPH. d. The funds appropriated in this subsection
89 6 to the Iowa veterans home that remain available for expenditure
89 7 for the succeeding fiscal year pursuant to section 35D.18,
89 8 subsection 5, shall be distributed to be used in the succeeding
89 9 fiscal year in accordance with this lettered paragraph. The
89 10 first \$500,000 shall remain available to be used for the
89 11 purposes of the Iowa veterans home. On or before October 15,
89 12 2011, the department of management shall transfer the remaining
89 13 balance to the appropriation to the department of human
89 14 services for medical assistance.

89 15 MEDICAL ASSISTANCE PROGRAM

89 16 Sec. 59. 2010 Iowa Acts, chapter 1192, section 11, is
89 17 amended by adding the following new subsection:

89 18 NEW SUBSECTION. 25. The department may increase the amounts
89 19 allocated for salaries, support, maintenance, and miscellaneous
89 20 purposes associated with the medical assistance program as
89 21 necessary to implement cost containment efforts in order to
89 22 accomplish medical assistance program savings. These amounts
89 23 may be transferred to the appropriation made in this division
89 24 of this Act for the health insurance premium payment program.

89 25 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

89 26 Sec. 60. 2010 Iowa Acts, chapter 1192, section 14, is
89 27 amended by adding the following new subsection:

89 28 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
89 29 appropriated in this section that remain unencumbered or
89 30 unobligated at the close of the fiscal year shall remain
89 31 available for expenditure for the purposes designated until the
89 32 close of the succeeding fiscal year.

89 33 CHILD WELFARE TRAINING ACADEMY

89 34 Sec. 61. 2010 Iowa Acts, chapter 1192, section 19,
89 35 subsection 22, is amended to read as follows:



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90 1 22. Of the funds appropriated in this section, at least
90 2 \$47,158 shall be used for the child welfare training academy.
90 3 Notwithstanding section 8.33, moneys allocated in this
90 4 subsection that remain unencumbered or unobligated at the close
90 5 of the fiscal year shall not revert but shall remain available
90 6 for expenditure for the purposes designated until the close of
90 7 the succeeding fiscal year.

90 8 ADOPTION SUBSIDY TRANSFER AND NONREVERSION

90 9 Sec. 62. 2010 Iowa Acts, chapter 1192, section 20, is
90 10 amended by adding the following new subsections:

90 11 NEW SUBSECTION. 4. Of the funds appropriated in this
90 12 section, \$60,000 shall be transferred to the appropriation
90 13 made in this division of this Act for the state mental health
90 14 institute at Cherokee to be used for childrens' beds at the
90 15 institute.

90 16 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
90 17 appropriated in this section that remain unencumbered or
90 18 unobligated at the close of the fiscal year shall not revert
90 19 but shall remain available for expenditure for the purposes
90 20 designated until the close of the succeeding fiscal year.

90 21 DEPARTMENT OF HUMAN SERVICES ==== FIELD OPERATIONS

90 22 Sec. 63. 2010 Iowa Acts, chapter 1192, section 29, is
90 23 amended by adding the following new unnumbered paragraph:

90 24 NEW UNNUMBERED PARAGRAPH Notwithstanding section 8.33,
90 25 moneys appropriated in this section that remain unencumbered or
90 26 unobligated at the close of the fiscal year shall not revert
90 27 but shall remain available for expenditure for the purposes
90 28 designated until the close of the succeeding fiscal year.

90 29 DEPARTMENT OF HUMAN SERVICES ==== GENERAL ADMINISTRATION

90 30 Sec. 64. 2010 Iowa Acts, chapter 1192, section 30, is
90 31 amended by adding the following new subsection:

90 32 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
90 33 appropriated in this section and the designated allocations
90 34 that remain unencumbered or unobligated at the close of the
90 35 fiscal year shall not revert but shall remain available for



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91 1 expenditure for the purposes designated until the close of the
91 2 succeeding fiscal year.

91 3 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

91 4 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
91 5 subsection 1, is amended to read as follows:

91 6 1. ~~a.~~ Of the funds appropriated in this section, \$1,010,000
91 7 shall be transferred to the department of human services in
91 8 equal amounts on a quarterly basis for reimbursement of case
91 9 management services provided under the medical assistance
91 10 elderly waiver.

91 11 ~~b. The department of human services shall review~~
~~91 12 projections for state funding expenditures for reimbursement~~
~~91 13 of case management services under the medical assistance~~
~~91 14 elderly waiver on a quarterly basis and shall determine if an~~
~~91 15 adjustment to the medical assistance reimbursement rates are~~
~~91 16 necessary to provide reimbursement within the state funding~~
~~91 17 amounts budgeted under the appropriations made for the fiscal~~
~~91 18 year for the medical assistance program. Any temporary~~
~~91 19 enhanced federal financial participation that may become~~
~~91 20 available for the medical assistance program during the fiscal~~
~~91 21 year shall not be used in projecting the medical assistance~~
~~91 22 elderly waiver case management budget. The department of human~~
~~91 23 services shall revise such reimbursement rates as necessary to~~
~~91 24 maintain expenditures for medical assistance elderly waiver~~
~~91 25 case management services within the state funding amounts~~
~~91 26 budgeted under the appropriations made for the fiscal year for~~
~~91 27 the medical assistance program.~~

91 28 QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN SERVICES

91 29 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44, is
91 30 amended to read as follows:

91 31 SEC. 44. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
91 32 SERVICES. Notwithstanding any provision to the contrary and
91 33 subject to the availability of funds, there is appropriated
91 34 from the quality assurance trust fund created in section
91 35 249L.4 to the department of human services for the fiscal year



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92 1 beginning July 1, 2010, and ending June 30, 2011, the following
92 2 amounts, or so much thereof as is necessary for the purposes
92 3 designated:

92 4 To supplement the appropriation made in this Act from the
92 5 general fund of the state to the department of human services
92 6 for medical assistance:

92 7 \$ ~~13,900,000~~
92 8 33,708,458

92 9 1. Of the funds appropriated in this section, \$7,500,000
92 10 shall be used for nursing facility reimbursement under the
92 11 medical assistance program in accordance with the nursing
92 12 facility reimbursement provisions of division IV of this
92 13 Act, to continue application of the administrative rules
92 14 changes relating to nursing facility reimbursement and payment
92 15 procedures made pursuant to 2010 Iowa Acts, Senate File 2366,
92 16 if enacted, for the fiscal year beginning July 1, 2010, and
92 17 ending June 30, 2011, and to restore the 5 percent reduction
92 18 made in nursing facility reimbursement in accordance with
92 19 executive order number 19 issued October 8, 2009.

92 20 2. The costs associated with the implementation of this
92 21 section shall be funded exclusively through moneys appropriated
92 22 from the quality assurance trust fund, and shall result in
92 23 budget neutrality to the general fund of the state for the
92 24 fiscal year beginning July 1, 2010, and ending June 30, 2011.

92 25 INJURED VETERANS TRUST FUND

92 26 Sec. 67. INJURED VETERANS TRUST FUND. There is appropriated
92 27 from the general fund of the state to the department of
92 28 veterans affairs for the fiscal year beginning July 1,
92 29 2010, and ending June 30, 2011, the following amount, or so
92 30 much thereof as is necessary, to be used for the purposes
92 31 designated:

92 32 To be credited to the injured veterans trust fund created
92 33 pursuant to section 35A.14 to be used for the injured veterans
92 34 grant program:

92 35 \$ 1,000,000



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93 1 The department shall review the rules and statutory
93 2 provisions pertaining to the injured veterans grant program and
93 3 propose amendments to improve the program. Notwithstanding
93 4 section 8.33, moneys appropriated in this section that remain
93 5 unencumbered or unobligated at the close of the fiscal year
93 6 shall not revert but shall remain available for expenditure for
93 7 the purposes designated until expended.

93 8 MERCHANT MARINE BONUS FUND TRANSFER

93 9 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS ==== MERCHANT MARINE
93 10 BONUS FUND.

93 11 1. The appropriation made from the merchant marine bonus
93 12 fund to the department of cultural affairs for the fiscal year
93 13 beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa
93 14 Acts, chapter 1193, section 82, shall be transferred on the
93 15 effective date of this section to the department of veterans
93 16 affairs to be used for departmental costs.

93 17 2. Moneys transferred pursuant to this section that remain
93 18 unencumbered or unobligated at the close of the fiscal year
93 19 shall be credited to the veterans trust fund created in section
93 20 35A.13.

93 21 Sec. 69. DECATORIZATION PROJECT FUNDING. For the
93 22 period beginning June 1, 2010, and ending June 30, 2012, a
93 23 child welfare and juvenile justice funding decategorization
93 24 initiative project that is incorporated and owns real property
93 25 may utilize project funding to purchase liability insurance.

93 26 STATE INSTITUTION ==== APPROPRIATION TRANSFERS

93 27 Sec. 70. DEPARTMENT OF HUMAN SERVICES. There is transferred
93 28 between the following designated appropriations made to the
93 29 department of human services for the fiscal year beginning July
93 30 1, 2010, and ending June 30, 2011, not more than the following
93 31 amounts:

93 32 1. From the appropriation made for purposes of the state
93 33 resource center at Glenwood in 2010 Iowa Acts, chapter 1192,
93 34 section 25, subsection 1, paragraph "a", to the appropriation
93 35 made for purposes of the Iowa juvenile home at Toledo in 2010



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94 1 Iowa Acts, chapter 1192, section 17, subsection 1:
94 2 \$ 400,000
94 3 2. From the appropriation made for purposes of the state
94 4 resource center at Woodward in 2010 Iowa Acts, chapter 1192,
94 5 section 25, subsection 1, paragraph "b", to the appropriation
94 6 made for purposes of the state mental health institute at
94 7 Independence in 2010 Iowa Acts, chapter 1192, section 24,
94 8 subsection 1, paragraph "c":
94 9 \$ 400,000
94 10 Sec. 71. ACCOUNTABLE CARE ORGANIZATION ==== PILOT.
94 11 1. a. If an entity applies for certification from the
94 12 secretary of the United States department of health and
94 13 human services prior to January 1, 2012, and is subsequently
94 14 certified to administer an accountable care organization
94 15 pilot project, pursuant to the federal Patient Protection and
94 16 Accountability Act, Pub. L. No. 111=148, the department of
94 17 human services shall work with the entity to provide access to
94 18 the complete deidentified claims data of the medical assistance
94 19 recipients receiving health care services through the pilot
94 20 project for the purposes of identifying areas of utilization,
94 21 need, and potential cost savings to the medical assistance
94 22 program subject to all applicable state and federal laws and
94 23 regulations. The department may also employ new payment
94 24 models, information technology, and data analytics provisions
94 25 necessary to the administration of the pilot project.
94 26 b. The department of human services shall work with an
94 27 entity to administer an accountable care organization pilot
94 28 project, only if the centers for Medicare and Medicaid services
94 29 of the United States department of health and human services
94 30 approves participation of the medical assistance program in
94 31 the pilot project and the entity meets all of the following
94 32 requirements:
94 33 (1) At a minimum, includes the participation of a
94 34 prospective payment system hospital, ten primary care
94 35 physicians, a home health care practice, a palliative care



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95 1 services, a hospice service, and a community mental health
95 2 center, all of which agree to be paid under a partial or global
95 3 payment for identified services.
95 4 (2) Requires all participating providers to utilize
95 5 electronic health records.
95 6 (3) Includes delivery of mental health services to
95 7 recipients of medical assistance through collaboration with
95 8 the regional community mental health center, a federally
95 9 qualified health center, and at least one nursing facility as
95 10 consistent with any other law enacted by the Eighty-fourth
95 11 general assembly, 2011 session, that redesigns the mental
95 12 health delivery system in the state.
95 13 c. The entity certified to implement the pilot project shall
95 14 report to the joint appropriations subcommittee for health and
95 15 human services during the 2012 legislative session detailing
95 16 the progress and expected outcomes of the pilot project.
95 17 Sec. 72. EMERGENCY RULES. For purposes of the initial
95 18 rules to implement the provisions of section 16.185, as enacted
95 19 by this division of this Act, the Iowa finance authority may
95 20 adopt administrative rules under section 17A.4, subsection
95 21 3, and section 17A.5, subsection 2, paragraph "b", to
95 22 implement the provisions and the rules shall become effective
95 23 immediately upon filing or on a later effective date specified
95 24 in the rules, unless the effective date is delayed by the
95 25 administrative rules review committee. Any rules adopted in
95 26 accordance with this section shall not take effect before
95 27 the rules are reviewed by the administrative rules review
95 28 committee. The delay authority provided to the administrative
95 29 rules review committee under section 17A.4, subsection 7, and
95 30 section 17A.8, subsection 9, shall be applicable to a delay
95 31 imposed under this section, notwithstanding a provision in
95 32 those sections making them inapplicable to section 17A.5,
95 33 subsection 2, paragraph "b". Any rules adopted in accordance
95 34 with the provisions of this section shall also be published as
95 35 a notice of intended action as provided in section 17A.4.



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96 1 Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
96 2 APPLICABILITY. Except as otherwise provided by this division
96 3 of this Act, this division of this Act, being deemed of
96 4 immediate importance, takes effect upon enactment and if
96 5 approved by the governor on or after July 1, 2011, applies
96 6 retroactively to June 30, 2011.

96 7 Sec. 74. RETROACTIVE APPLICABILITY. The section of this
96 8 division of this Act addressing child welfare and juvenile
96 9 justice funding decategorization initiative project funding for
96 10 the period beginning June 1, 2010, and ending June 30, 2012,
96 11 applies retroactively to June 1, 2010.

96 12 Sec. 75. RETROACTIVE APPLICABILITY. The section of
96 13 this division of this Act amending section 35A.8A, applies
96 14 retroactively to July 1, 2010.

96 15 Sec. 76. RETROACTIVE APPLICABILITY. The section of this
96 16 division of this Act making transfers between appropriations
96 17 made to the department of human services for state institutions
96 18 in 2010 Iowa Acts, chapter 1192, applies retroactively to
96 19 January 1, 2011.

DIVISION VIII

PREVENTION AND CHRONIC CARE MANAGEMENT

96 22 Sec. 77. Section 135.159, subsection 10, Code 2011, is
96 23 amended to read as follows:

96 24 10. The department shall integrate the recommendations
96 25 and policies developed by the ~~prevention and chronic care~~
96 26 ~~management advisory council~~ pursuant to section 135.161, Code
96 27 2011, into the medical home system and shall incorporate the
96 28 development and implementation of the state initiative for
96 29 prevention and chronic care management as developed pursuant to
96 30 section 135.161, Code 2011, into the duties of the medical home
96 31 system advisory council beginning January 1, 2012.

96 32 Sec. 78. Section 135.162, subsections 1 and 3, Code 2011,
96 33 are amended to read as follows:

96 34 1. The director shall convene a clinicians advisory panel to
96 35 advise and recommend to the department clinically appropriate,



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97 1 evidence-based best practices regarding the implementation
97 2 of the medical home as defined in section 135.157 ~~and the~~
~~97 3 prevention and chronic care management initiative pursuant to~~
~~97 4 section 135.161.~~ The director shall act as chairperson of the
97 5 advisory panel.
97 6 3. The clinicians advisory panel shall meet on a quarterly
97 7 basis to receive updates from the director regarding strategic
97 8 planning and implementation progress on the medical home ~~and~~
~~97 9 the prevention and chronic care management initiative~~ and shall
97 10 provide clinical consultation to the department regarding the
97 11 medical home ~~and the initiative.~~
97 12 Sec. 79. Section 136.3, subsection 14, Code 2011, is amended
97 13 to read as follows:
97 14 14. Perform those duties authorized pursuant to sections
97 15 135.156, ~~and 135.159, and 135.161,~~ and other provisions of law.
97 16 Sec. 80. REPEAL. Section 135.161, Code 2011, is repealed.
97 17 Sec. 81. EFFECTIVE DATE. This division of this Act takes
97 18 effect December 31, 2011.
97 19 DIVISION IX
97 20 MISCELLANEOUS
97 21 Sec. 82. Section 29C.20B, Code 2011, is amended to read as
97 22 follows:
97 23 29C.20B Disaster case management.
97 24 1. The ~~rebuild Iowa office~~ homeland security and emergency
97 25 management division shall work with the department of
97 26 human services and nonprofit, voluntary, and faith-based
97 27 organizations active in disaster recovery and response
97 28 in coordination with ~~the homeland security and emergency~~
~~97 29 management division~~ the department of human services to
97 30 establish a statewide system of disaster case management
97 31 to be activated following the governor's proclamation of a
97 32 disaster emergency or the declaration of a major disaster by
97 33 the president of the United States for individual assistance
97 34 purposes. Under the system, the ~~department of human services~~
~~97 35~~ homeland security and emergency management division shall



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98 1 coordinate case management services locally through local
98 2 committees as established in each local emergency management
98 3 commission's emergency plan. ~~Beginning July 1, 2011, the~~
~~98 4 department of human services shall assume the duties of the~~
~~98 5 rebuild Iowa office under this subsection.~~
98 6 2. ~~The department of human services~~ homeland security
98 7 and emergency management division, in conjunction with the
~~98 8 rebuild Iowa office, the homeland security and emergency~~
~~98 9 management division~~ department of human services, and an
98 10 Iowa representative to the national voluntary organizations
98 11 active in disaster, shall adopt rules pursuant to chapter
98 12 17A to create coordination mechanisms and standards for the
98 13 establishment and implementation of a statewide system of
98 14 disaster case management which shall include at least all of
98 15 the following:
98 16 a. Disaster case management standards.
98 17 b. Disaster case management policies.
98 18 c. Reporting requirements.
98 19 d. Eligibility criteria.
98 20 e. Coordination mechanisms necessary to carry out the
98 21 services provided.
98 22 f. Develop formal working relationships with agencies and
98 23 create interagency agreements for those considered to provide
98 24 disaster case management services.
98 25 g. Coordination of all available services for individuals
98 26 from multiple agencies.
98 27 Sec. 83. Section 135.106, Code 2011, is amended by adding
98 28 the following new subsection:
98 29 NEW SUBSECTION. 4. It is the intent of the general
98 30 assembly that priority for home visitation funding be given to
98 31 approaches using evidence-based or promising models for home
98 32 visitation.
98 33 Sec. 84. Section 135H.6, subsection 8, Code 2011, is amended
98 34 to read as follows:
98 35 8. The department of human services may give approval to



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99 1 conversion of beds approved under subsection 6, to beds which
99 2 are specialized to provide substance abuse treatment. However,
99 3 the total number of beds approved under subsection 6 and this
99 4 subsection shall not exceed four hundred thirty. Conversion
99 5 of beds under this subsection shall not require a revision of
99 6 the certificate of need issued for the psychiatric institution
99 7 making the conversion. Beds for children who do not reside
99 8 in this state and whose service costs are not paid by public
99 9 funds in this state are not subject to the limitations on the
99 10 number of beds and certificate of need requirements otherwise
99 11 applicable under this section.

99 12 Sec. 85. Section 147.136, Code 2011, is amended to read as
99 13 follows:

99 14 147.136 Scope of recovery.

99 15 1. ~~In~~ Except as otherwise provided in subsection 2, in an
99 16 action for damages for personal injury against a physician and
99 17 surgeon, osteopathic physician and surgeon, dentist, podiatric
99 18 physician, optometrist, pharmacist, chiropractor, or nurse
99 19 licensed to practice that profession in this state, or against
99 20 a hospital licensed for operation in this state, based on the
99 21 alleged negligence of the practitioner in the practice of the
99 22 profession or occupation, or upon the alleged negligence of
99 23 the hospital in patient care, in which liability is admitted
99 24 or established, the damages awarded shall not include actual
99 25 economic losses incurred or to be incurred in the future by the
99 26 claimant by reason of the personal injury, including but not
99 27 limited to, the cost of reasonable and necessary medical care,
99 28 rehabilitation services, and custodial care, and the loss of
99 29 services and loss of earned income, to the extent that those
99 30 losses are replaced or are indemnified by insurance, or by
99 31 governmental, employment, or service benefit programs or from
99 32 any other source except the assets of the claimant or of the
99 33 members of the claimant's immediate family.

99 34 2. This section shall not bar recovery of economic losses
99 35 replaced or indemnified by any of the following:



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100 1 a. Benefits received under the medical assistance program
100 2 under chapter 249A.
100 3 b. The assets of the claimant or of the members of the
100 4 claimant's immediate family.
100 5 Sec. 86. Section 153.14, subsection 1, Code 2011, is amended
100 6 to read as follows:
100 7 1. Students of dentistry who practice dentistry upon
100 8 patients at clinics in connection with their regular course
100 9 of instruction at ~~the state~~ an accredited dental college,
100 10 students of dental hygiene who practice upon patients at
100 11 clinics in connection with their regular course of instruction
100 12 at state-approved schools, and students of dental assisting
100 13 who practice upon patients at clinics in connection with a
100 14 regular course of instruction determined by the board pursuant
100 15 to section 153.39.
100 16 Sec. 87. Section 154A.24, subsection 3, paragraph s, Code
100 17 2011, is amended by striking the paragraph.
100 18 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical collection and
100 19 disposal program ==== annual allocation.
100 20 Of the fees collected pursuant to sections 124.301 and
100 21 147.80 and chapter 155A by the board of pharmacy, and retained
100 22 by the board pursuant to section 147.82, not more than one
100 23 hundred twenty-five thousand dollars, may be allocated annually
100 24 by the board for administering the pharmaceutical collection
100 25 and disposal program originally established pursuant to 2009
100 26 Iowa Acts, chapter 175, section 9. The program shall provide
100 27 for the management and disposal of unused, excess, and expired
100 28 pharmaceuticals. The board of pharmacy may cooperate with the
100 29 Iowa pharmacy association and may consult with the department
100 30 and sanitary landfill operators in administering the program.
100 31 Sec. 89. Section 225B.8, Code 2011, is amended to read as
100 32 follows:
100 33 225B.8 Repeal.
100 34 This chapter is repealed July 1, ~~2011~~ 2012.
100 35 Sec. 90. Section 232.188, subsection 5, paragraph b,



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101 1 unnumbered paragraph 1, Code 2011, is amended to read as
101 2 follows:
101 3 Notwithstanding section 8.33, moneys designated for a
101 4 project's decategorization services funding pool that remain
101 5 unencumbered or unobligated at the close of the fiscal year
101 6 shall not revert but shall remain available for expenditure as
101 7 directed by the project's governance board for child welfare
101 8 and juvenile justice systems enhancements and other purposes of
101 9 the project ~~until the close of the succeeding fiscal year and~~
~~101 10 for the next two succeeding fiscal years.~~ Such moneys shall be
101 11 known as "carryover funding". Moneys may be made available to a
101 12 funding pool from one or more of the following sources:
101 13 Sec. 91. Section 235B.19, Code 2011, is amended by adding
101 14 the following new subsection:
101 15 NEW SUBSECTION. 2A. a. The department shall serve a copy
101 16 of the petition and any order authorizing protective services,
101 17 if issued, on the dependent adult and on persons who are
101 18 competent adults and reasonably ascertainable at the time the
101 19 petition is filed in accordance with the following priority:
101 20 (1) An attorney in fact named by the dependent adult in a
101 21 durable power of attorney for health care pursuant to chapter
101 22 144B.
101 23 (2) The dependent adult's spouse.
101 24 (3) The dependent adult's children.
101 25 (4) The dependent adult's grandchildren.
101 26 (5) The dependent adult's siblings.
101 27 (6) The dependent adult's aunts and uncles.
101 28 (7) The dependent adult's nieces and nephews.
101 29 (8) The dependent adult's cousins.
101 30 b. When the department has served a person in one of the
101 31 categories specified in paragraph "a", the department shall not
101 32 be required to serve a person in any other category.
101 33 c. The department shall serve the dependent adult's copy
101 34 of the petition and order personally upon the dependent
101 35 adult. Service of the petition and all other orders and



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102 1 notices shall be in a sealed envelope with the proper postage
102 2 on the envelope, addressed to the person being served at the
102 3 person's last known post office address, and deposited in a
102 4 mail receptacle provided by the United States postal service.
102 5 The department shall serve such copies of emergency orders
102 6 authorizing protective services and notices within three days
102 7 after filing the petition and receiving such orders.

102 8 d. The department and all persons served by the department
102 9 with notices under this subsection shall be prohibited from
102 10 all of the following without prior court approval after the
102 11 department's petition has been filed:

102 12 (1) Selling, removing, or otherwise disposing of the
102 13 dependent adult's personal property.

102 14 (2) Withdrawing funds from any bank, savings and loan
102 15 association, credit union, or other financial institution, or
102 16 from an account containing securities in which the dependent
102 17 adult has an interest.

102 18 Sec. 92. Section 237A.1, subsection 3, paragraph n, Code
102 19 2011, is amended to read as follows:

102 20 n. A program offered to a child whose parent, guardian,
102 21 or custodian is engaged solely in a recreational or social
102 22 activity, remains immediately available and accessible on the
102 23 physical premises on which the child's care is provided, and
102 24 does not engage in employment while the care is provided.
102 25 However, if the recreational or social activity is provided in
102 26 a fitness center or on the premises of a nonprofit organization
102 27 the parent, guardian, or custodian of the child may be employed
102 28 to teach or lead the activity.

102 29 Sec. 93. Section 249A.4B, subsection 2, paragraph a,
102 30 subparagraph (18), Code 2011, is amended to read as follows:

102 31 (18) The ~~Iowa/Nebraska~~ Iowa primary care association.

102 32 Sec. 94. REPEAL. Section 135.27A, Code 2011, is repealed
102 33 December 31, 2011.

102 34 DIVISION X
102 35 MEDICAID PRESCRIPTION DRUGS



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103 1 Sec. 95. Section 249A.20A, subsection 4, Code 2011, is
103 2 amended to read as follows:
103 3 4. With the exception of drugs prescribed for the treatment
103 4 of human immunodeficiency virus or acquired immune deficiency
103 5 syndrome, transplantation, or cancer and drugs prescribed
103 6 for mental illness with the exception of drugs and drug
103 7 compounds that do not have a significant variation in a
103 8 therapeutic profile or side effect profile within a therapeutic
103 9 class, prescribing and dispensing of prescription drugs not
103 10 included on the preferred drug list shall be subject to prior
103 11 authorization.

103 12 Sec. 96. 2010 Iowa Acts, chapter 1031, section 348, is
103 13 amended to read as follows:

103 14 SEC. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

103 15 ~~1. The department shall adopt rules pursuant to chapter 17A~~
103 16 ~~to restrict physicians and other prescribers to prescribing~~
103 17 ~~not more than a 72-hour or three-day supply of a prescription~~
103 18 ~~drug not included on the medical assistance preferred drug list~~
103 19 ~~while seeking approval to continue prescribing the medication.~~

103 20 ~~2. Notwithstanding subsection 1, the department shall~~
103 21 ~~adopt rules pursuant to chapter 17A to restrict a physician or~~
103 22 ~~other prescriber prescribing a chemically unique mental health~~
103 23 ~~prescription drug to prescribing not more than a seven-day~~
103 24 ~~supply of the prescription drug while requesting approval to~~
103 25 ~~continue to prescribe the medication. The rules shall provide~~
103 26 ~~that if an approval or disapproval is not received by the~~
103 27 ~~physician or other prescriber within 48 hours of the request,~~
103 28 ~~the request is deemed approved.~~

103 29 Sec. 97. REPEAL. 2010 Iowa Acts, chapter 1031, section 349,
103 30 is repealed.

103 31 Sec. 98. RESCINDING AND ADOPTION OF RULES. The department
103 32 of human services shall rescind the rules adopted pursuant
103 33 to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031,
103 34 section 348, subsection 2, and chapter 1031, section 349,
103 35 and shall instead adopt emergency rules under section 17A.4,



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104 1 subsection 3, and section 17A.5, subsection 2, paragraph "b",
104 2 to implement section 249A.20A, as amended in this division of
104 3 this Act, and the rules shall be effective immediately upon
104 4 filing and retroactively applicable to January 1, 2011, unless
104 5 a later date is specified in the rules. Any rules adopted
104 6 in accordance with this section shall also be published as a
104 7 notice of intended action as provided in section 17A.4.

104 8 Sec. 99. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
104 9 APPLICABILITY. This division of this Act, being deemed of
104 10 immediate importance, takes effect upon enactment and applies
104 11 retroactively to January 1, 2011.

104 12 DIVISION XI

104 13 IOWA FALSE CLAIMS ACT

104 14 Sec. 100. Section 685.1, subsection 11, Code 2011, is
104 15 amended to read as follows:

104 16 11. "Original source" means an individual who ~~has direct and~~
104 17 ~~independent~~ prior to a public disclosure under section 685.3,
104 18 subsection 5, paragraph "c", has voluntarily disclosed to the
104 19 state the information on which the allegations or transactions
104 20 in a claim are based; or who has knowledge of the information
104 21 ~~on which the allegations are based that is independent of~~
104 22 and materially adds to the publicly disclosed allegations or
104 23 transactions, and has voluntarily provided the information to
104 24 the state before filing an action under section 685.3 which is
104 25 based on the information this chapter.

104 26 Sec. 101. Section 685.1, Code 2011, is amended by adding the
104 27 following new subsection:

104 28 NEW SUBSECTION. 15. "State" means the state of Iowa.

104 29 Sec. 102. Section 685.2, subsection 1, unnumbered paragraph
104 30 1, Code 2011, is amended to read as follows:

104 31 A person who commits any of the following acts is jointly
104 32 and severally liable to the state for a civil penalty of not
104 33 less than five thousand dollars and not more than ten thousand
104 34 dollars the civil penalty allowed under the federal False
104 35 Claims Act, as codified in 31 U.S.C. { 3729 et seq., as may be



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105 1 adjusted in accordance with the inflation adjustment procedures
105 2 prescribed in the federal Civil Penalties Inflation Adjustment
105 3 Act of 1990, Pub. L. No. 101=410, for each false or fraudulent
105 4 claim, plus three times the amount of damages which the state
105 5 sustains ~~because of the act of that person:~~

105 6 Sec. 103. Section 685.3, subsection 5, paragraph c, Code
105 7 2011, is amended by striking the paragraph and inserting in
105 8 lieu thereof the following:

105 9 c. A court shall dismiss an action or claim under this
105 10 section, unless opposed by the state, if substantially the
105 11 same allegations or transactions as alleged in the action or
105 12 claim were publicly disclosed in a state criminal, civil, or
105 13 administrative hearing in which the state or an agent of the
105 14 state is a party; in a state legislative, state auditor, or
105 15 other state report, hearing, audit, or investigation; or by
105 16 the news media, unless the action is brought by the attorney
105 17 general or the qui tam plaintiff is an original source of the
105 18 information.

105 19 Sec. 104. Section 685.3, subsection 6, Code 2011, is amended
105 20 to read as follows:

105 21 6. a. Any employee, contractor, or agent ~~who~~ shall be
105 22 entitled to all relief necessary to make that employee,
105 23 contractor, or agent whole, if that employee, contractor, or
105 24 agent is discharged, demoted, suspended, threatened, harassed,
105 25 or in any other manner discriminated against in the terms and
105 26 conditions of employment because of lawful acts ~~performed~~
~~105 27 done by the employee, contractor, or agent on behalf of~~
~~105 28 the employee, contractor, or agent or associated others in~~
105 29 furtherance of an action under this section or other efforts
105 30 to stop a violation one or more violations of this chapter,
~~105 31 shall be entitled to all relief necessary to make the employee,~~
~~105 32 contractor, or agent whole. Such relief~~

105 33 b. Relief under paragraph "a" shall include reinstatement
105 34 with the same seniority status ~~such~~ that employee, contractor,
105 35 or agent would have had but for the discrimination, two



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106 1 times the amount of back pay, interest on the back pay, and
106 2 compensation for any special damages sustained as a result of
106 3 the discrimination, including litigation costs and reasonable
106 4 attorney fees. ~~An employee, contractor, or agent may bring an~~
106 5 action under this subsection may be brought in the appropriate
106 6 district court of the state for the relief provided in this
106 7 subsection.
106 8 c. A civil action under this subsection shall not be brought
106 9 more than three years after the date when the retaliation
106 10 occurred.

DIVISION XII

VOLUNTEER HEALTH CARE PROVIDER PROGRAM

106 13 Sec. 105. Section 135.24, subsection 2, paragraphs b and c,
106 14 Code 2011, are amended to read as follows:

106 15 b. Procedures for registration of hospitals, free clinics,
106 16 field dental clinics, and specialty health care provider
106 17 offices.

106 18 c. Criteria for and identification of hospitals, clinics,
106 19 free clinics, field dental clinics, specialty health care
106 20 provider offices, or other health care facilities, health
106 21 care referral programs, or charitable organizations,
106 22 eligible to participate in the provision of free medical,
106 23 dental, chiropractic, pharmaceutical, nursing, optometric,
106 24 psychological, social work, behavioral science, podiatric,
106 25 physical therapy, occupational therapy, respiratory therapy,
106 26 or emergency medical care services through the volunteer
106 27 health care provider program. A hospital, a clinic, a
106 28 free clinic, a field dental clinic, a specialty health care
106 29 provider office, a health care facility, a health care referral
106 30 program, a charitable organization, or a health care provider
106 31 participating in the program shall not bill or charge a
106 32 patient for any health care provider service provided under the
106 33 volunteer health care provider program.

106 34 Sec. 106. Section 135.24, Code 2011, is amended by adding
106 35 the following new subsection:



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107 1 NEW SUBSECTION. 6A. A hospital providing free care under
107 2 this section shall be considered a state agency solely for
107 3 the purposes of this section and chapter 669 and shall be
107 4 afforded protection under chapter 669 as a state agency for
107 5 all claims arising from the provision of free care by a health
107 6 care provider registered under subsection 3 who is providing
107 7 services at the hospital in accordance with this section, if
107 8 the hospital has registered with the department pursuant to
107 9 subsection 1.

107 10 Sec. 107. Section 135.24, subsection 7, Code 2011, is
107 11 amended by adding the following new paragraph:

107 12 NEW PARAGRAPH. 0e. "Hospital" means hospital as defined in
107 13 section 135B.1.

DIVISION XIII

HEALTH CARE COST CONTAINMENT

107 16 Sec. 108. ALL=PAYER CLAIMS DATABASE PLAN. The department of
107 17 human services shall develop a plan to establish an all=payer
107 18 claims database to provide for the collection and analysis of
107 19 claims data from multiple payers of health care. The plan
107 20 shall establish the goals of the database which may include
107 21 but are not limited to determining health care utilization
107 22 patterns and rates; identifying gaps in prevention and health
107 23 promotion services; evaluating access to care; assisting with
107 24 benefit design and planning; analyzing statewide and local
107 25 health care expenditures by provider, employer, and geography;
107 26 informing the development of payment systems for providers; and
107 27 establishing clinical guidelines related to quality, safety,
107 28 and continuity of care. The plan shall identify a standard
107 29 means of data collection, statutory changes necessary to the
107 30 collection and use of the data, and the types of claims for
107 31 which collection of data is required which may include but are
107 32 not limited to eligibility data; provider information; medical
107 33 data; private and public medical, pharmacy, and dental claims
107 34 data; and other appropriate data. The plan shall also include
107 35 an implementation and maintenance schedule including a proposed



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108 1 budget and funding plan and vision for the future.

108 2 Sec. 109. PROVIDER PAYMENT SYSTEM PLAN ===== PILOT
108 3 PROJECT. The department of human services shall develop a
108 4 provider payment system plan to provide recommendations to
108 5 reform the health care provider payment system as an effective
108 6 way to promote coordination of care, lower costs, and improve
108 7 quality. The plan shall provide analysis and recommendations
108 8 regarding but not limited to accountable care organizations, a
108 9 global payment system, or an episode of care payment system.

108 10 Sec. 110. EFFECTIVE UPON ENACTMENT. This division of this
108 11 Act, being deemed of immediate importance, takes effect upon
108 12 enactment.

DIVISION XIV

HEALTH INFORMATION TECHNOLOGY

108 15 Sec. 111. NEW SECTION. 135D.1 Findings and intent.

108 16 1. The general assembly finds all of the following:

108 17 a. Technology used to support health-related functions is
108 18 widely known as health information technology. Electronic
108 19 health records are used to collect and store relevant patient
108 20 health information. Electronic health records serve as a means
108 21 of bringing evidence-based knowledge resources and patient
108 22 information to the point of care to support better decision
108 23 making and more efficient care processes.

108 24 b. Health information technology allows for comprehensive
108 25 management of health information and its secure electronic
108 26 exchange between providers, public health agencies, payers,
108 27 and consumers. Broad use of health information technology
108 28 should improve health care quality and the overall health of
108 29 the population, increase efficiencies in administrative health
108 30 care, reduce unnecessary health care costs, and help prevent
108 31 medical errors.

108 32 c. Health information technology provides a mechanism to
108 33 transform the delivery of health and medical care in Iowa and
108 34 across the nation.

108 35 2. It is the intent of the general assembly to use health



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109 1 information technology as a catalyst to achieve a healthier
109 2 Iowa through the electronic sharing of health information. A
109 3 health information network involves sharing health information
109 4 across the boundaries of individual practice and institutional
109 5 health settings and with consumers. The result is a public
109 6 good that will contribute to improved clinical outcomes and
109 7 patient safety, population health, access to and quality of
109 8 health care, and efficiency in health care delivery.
109 9 3. It is the intent of the general assembly that the health
109 10 information network shall not constitute a health benefit
109 11 exchange or a health insurance exchange.
109 12 Sec. 112. NEW SECTION. 135D.2 Definitions.
109 13 For the purposes of this chapter, unless the context
109 14 otherwise requires:
109 15 1. "Authorized" means having met the requirements as a
109 16 participant for access to the health information network.
109 17 2. "Board" means the board of directors of Iowa e=health.
109 18 3. "Consumers" means people who acquire and use goods and
109 19 services for personal need.
109 20 4. "Continuity of care document" means a summary of a
109 21 patient's health information for each visit to a provider to be
109 22 delivered through the health information network.
109 23 5. "Department" means the department of public health.
109 24 6. "Deputy director" means the deputy director of public
109 25 health.
109 26 7. "Director" means the director of public health.
109 27 8. "Exchange" means the authorized electronic sharing
109 28 of health information between providers, payers, consumers,
109 29 public health agencies, the department, and other authorized
109 30 participants utilizing the health information network and
109 31 health information network services.
109 32 9. "Executive director" means the executive director of the
109 33 office of health information technology.
109 34 10. "Health information" means any information, in any
109 35 form or medium, that is created, transmitted, or received



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110 1 by a provider, payer, consumer, public health agency, the
110 2 department, or other authorized participant, which relates
110 3 to the past, present, or future physical or mental health or
110 4 condition of an individual; the provision of health care to an
110 5 individual; or the past, present, or future payment for the
110 6 provision of health care to an individual.
110 7 11. "Health information network" means the exclusive
110 8 statewide electronic health information network.
110 9 12. "Health information network services" means the
110 10 exchanging of health information via the health information
110 11 network; education and outreach to support connection and
110 12 access to and use of the health information network; and all
110 13 other activities related to the electronic exchange of health
110 14 information.
110 15 13. "Health Insurance Portability and Accountability
110 16 Act" means the federal Health Insurance Portability and
110 17 Accountability Act of 1996, Pub. L. No. 104=191, including
110 18 amendments thereto and regulations promulgated thereunder.
110 19 14. "Infrastructure" means technology including
110 20 architecture, hardware, software, networks, terminology and
110 21 standards, and policies and procedures governing the electronic
110 22 exchange of health information.
110 23 15. "Iowa e=health" means the collaboration between the
110 24 department and other public and private stakeholders to
110 25 establish, operate, and sustain an exclusive statewide health
110 26 information network.
110 27 16. "Iowa Medicaid enterprise" means Iowa medicaid
110 28 enterprise as defined in section 249J.3.
110 29 17. "Local board of health" means a city, county, or
110 30 district board of health.
110 31 18. "Office" means the office of health information
110 32 technology within the department.
110 33 19. "Participant" means an authorized provider, payer,
110 34 patient, public health agency, the department, or other
110 35 authorized person that has voluntarily agreed to authorize,



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111 1 submit, access, and disclose health information through the
111 2 health information network in accordance with this chapter
111 3 and all applicable laws, rules, agreements, policies, and
111 4 procedures.

111 5 20. "Participation and data sharing agreement" means
111 6 the agreement outlining the terms of access and use for
111 7 participation in the health information network.

111 8 21. "Patient" means a person who has received or is
111 9 receiving health services from a provider.

111 10 22. "Payer" means a person who makes payments for health
111 11 services, including but not limited to an insurance company,
111 12 self=insured employer, government program, individual, or other
111 13 purchaser that makes such payments.

111 14 23. "Protected health information" means individually
111 15 identifiable patient information, including demographic
111 16 information, related to the past, present, or future health
111 17 or condition of a person; the provision of health care to
111 18 a person; or the past, present, or future payment for such
111 19 health care; which is created, transmitted, or received by a
111 20 participant. "Protected health information" does not include
111 21 education and other records that are covered under the federal
111 22 Family Educational Rights and Privacy Act of 1974, as codified
111 23 at 20 U.S.C. 1232g, as amended; or any employment records
111 24 maintained by a covered entity, as defined under the Health
111 25 Insurance Portability and Accountability Act, in its role as
111 26 an employer.

111 27 24. "Provider" means a hospital, physician clinic, pharmacy,
111 28 laboratory, health service provider, or other person that is
111 29 licensed, certified, or otherwise authorized or permitted
111 30 by law to administer health care in the ordinary course of
111 31 business or in the practice of a profession, or any other
111 32 person or organization that furnishes, bills, or is paid for
111 33 health care in the normal course of business.

111 34 25. "Public health agency" means an entity that is governed
111 35 by or contractually responsible to a local board of health or



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112 1 the department to provide services focused on the health status
112 2 of population groups and their environments.

112 3 26. "Purchaser" means any individual, employer, or
112 4 organization that purchases health insurance or services and
112 5 includes intermediaries.

112 6 27. "Vendor" means a person or organization that provides
112 7 or proposes to provide goods or services to the department
112 8 pursuant to a contract, but does not include an employee of the
112 9 state, a retailer, or a state agency or instrumentality.

112 10 Sec. 113. NEW SECTION. 135D.3 Iowa e=health established ====
112 11 guiding principles, goals, domains.

112 12 1. Iowa e=health is established as a public=private,
112 13 multi=stakeholder collaborative. The purpose of Iowa e=health
112 14 is to develop, administer, and sustain the health information
112 15 network to improve the quality, safety, and efficiency of
112 16 health care available to Iowans.

112 17 2. Iowa e=health shall manage and operate the health
112 18 information network. Nothing in this chapter shall be
112 19 interpreted to impede or preclude the formation and operation
112 20 of regional, population=specific, or local health information
112 21 networks or their participation in the health information
112 22 network.

112 23 3. Iowa e=health shall facilitate the exchange of health
112 24 information for prevention and treatment purposes to help
112 25 providers make the best health care decisions for patients and
112 26 to provide patients with continuity of care regardless of the
112 27 provider the patient visits.

112 28 4. The guiding principles of Iowa e=health include all of
112 29 the following:

112 30 a. To engage in a collaborative, public=private,
112 31 multi=stakeholder effort including providers, payers,
112 32 purchasers, governmental entities, educational institutions,
112 33 and consumers.

112 34 b. To create a sustainable health information network which
112 35 makes information available when and where it is needed.



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113 1 c. To ensure the health information network incorporates
113 2 provider priorities and appropriate participant education.
113 3 d. To instill confidence in consumers that their health
113 4 information is secure, private, and accessed appropriately.
113 5 e. To build on smart practices and align with federal
113 6 standards to ensure interoperability within and beyond the
113 7 state.
113 8 5. The goals of Iowa e=health include all of the following:
113 9 a. To build awareness and trust of health information
113 10 technology through communication and outreach to providers and
113 11 consumers.
113 12 b. To safeguard privacy and security of health information
113 13 shared electronically between participants through the health
113 14 information network so that the health information is secure,
113 15 private, and accessed only by authorized individuals and
113 16 entities.
113 17 c. To promote statewide deployment and use of electronic
113 18 health records.
113 19 d. To enable the electronic exchange of health information.
113 20 e. To advance coordination of activities across state and
113 21 federal governments.
113 22 f. To establish a governance model for the health
113 23 information network.
113 24 g. To establish sustainable business and technical
113 25 operations for the health information exchange.
113 26 h. To secure financial resources to develop and sustain the
113 27 health information network.
113 28 i. To monitor and evaluate health information technology
113 29 progress and outcomes.
113 30 6. Iowa e=health shall include the following five domains:
113 31 a. Governance. Iowa e=health shall be governed by a board
113 32 of directors whose members represent stakeholders such as
113 33 provider organizations and associations, providers, payers,
113 34 purchasers, governmental entities, business, and consumers.
113 35 Iowa e=health shall be supported by the department's office of



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114 1 health information technology. The board shall set direction,
114 2 goals, and policies for Iowa e=health and provide oversight of
114 3 the business and technical operations of the health information
114 4 network and health information network services.

114 5 b. Business and technical operations. The office of health
114 6 information technology shall perform day=to=day operations
114 7 to support and advance Iowa e=health, the health information
114 8 network, and health information network services.

114 9 c. Finance. Iowa e=health shall identify and manage
114 10 financial resources to achieve short=term and long=term
114 11 sustainability of the health information network. The health
114 12 information network shall be financed by participants based on
114 13 a business model and financial sustainability plan approved by
114 14 the board no later than December 31, 2011, and submitted to
114 15 the governor and the general assembly. The model and plan may
114 16 contemplate participant fees based on value=based principles.
114 17 Fees shall not be assessed to participants prior to approval by
114 18 the board and an enactment of the general assembly establishing
114 19 such fees.

114 20 d. Technical infrastructure. Iowa e=health shall implement
114 21 and manage the core infrastructure and standards to enable the
114 22 safe and secure delivery of health information to providers and
114 23 consumers through the health information network.

114 24 e. Legal and policy. Iowa e=health shall establish privacy
114 25 and security policies and guidelines, and participation and
114 26 data sharing agreements, to protect consumers and enforce rules
114 27 for utilization of the health information network.

114 28 Sec. 114. NEW SECTION. 135D.4 Governance ==== board of
114 29 directors ==== advisory council.

114 30 1. Iowa e=health shall be governed by a board of directors.
114 31 Board members shall be residents of the state of Iowa. The
114 32 membership of the board shall comply with sections 69.16 and
114 33 69.16A.

114 34 2. The board of directors shall be comprised of the
114 35 following members:



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115 1 a. The board shall include all of the following as voting
115 2 members:
115 3 (1) Two members who represent the Iowa collaborative safety
115 4 net provider network created in section 135.153, designated by
115 5 the network.
115 6 (2) Four members who represent hospitals, two of whom are
115 7 designated by the two largest health care systems in the state,
115 8 one of whom is designated by the university of Iowa hospitals
115 9 and clinics, and one of whom is designated by the Iowa hospital
115 10 association to represent critical access hospitals.
115 11 (3) Two members who represent two different private health
115 12 insurance carriers, designated by the federation of Iowa
115 13 insurers, one of which has the largest health market share in
115 14 Iowa.
115 15 (4) One member who is a licensed physician, designated by
115 16 the Iowa medical society.
115 17 (5) One member representing the department who is
115 18 designated by the department.
115 19 (6) One member representing the Iowa Medicaid enterprise
115 20 who is the Iowa Medicaid director, or the director's designee.
115 21 b. The board shall include as ex officio, nonvoting members
115 22 four members of the general assembly, one appointed by the
115 23 speaker of the house of representatives, one appointed by the
115 24 minority leader of the house of representatives, one appointed
115 25 by the majority leader of the senate, and one appointed by the
115 26 minority leader of the senate.
115 27 3. A person shall not serve on the board in any capacity if
115 28 the person is required to register as a lobbyist under section
115 29 68B.36 because of the person's activities for compensation
115 30 on behalf of a profession or an entity that is engaged in
115 31 providing health care, reviewing or analyzing health care,
115 32 paying for health care services or procedures, or providing
115 33 health information technology or health information network
115 34 services.
115 35 4. a. Board members shall serve four=year terms but shall



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116 1 not serve more than two consecutive four-year terms. However,
116 2 the board members who represent state agencies are not subject
116 3 to term limits.

116 4 b. At the end of any term, a member of the board may
116 5 continue to serve until the appointing or designating authority
116 6 names a successor.

116 7 c. A vacancy on the board shall be filled for the remainder
116 8 of the term in the manner of the original appointment. A
116 9 vacancy in the membership of the board shall not impair the
116 10 right of the remaining members to exercise all the powers and
116 11 perform all the duties of the board.

116 12 d. A board member may be removed by the board for cause
116 13 including but not limited to malfeasance in office, failure
116 14 to attend board meetings, misconduct, or violation of ethical
116 15 rules and standards. Nonattendance of the board members
116 16 appointed by the governor shall be governed by the provisions
116 17 of section 69.15. A board member may be removed by a vote of
116 18 the board if, based on the criteria provided in section 69.15,
116 19 subsection 1, paragraphs "a" and "b", the board member would be
116 20 deemed to have submitted a resignation from the board.

116 21 e. The board members shall elect a chairperson from their
116 22 membership. The department's designee shall serve as vice
116 23 chairperson.

116 24 5. Meetings of the board shall be governed by the provisions
116 25 of chapter 21.

116 26 a. The board shall meet upon the call of the chairperson
116 27 or the vice chairperson. Notice of the time and place of each
116 28 board meeting shall be given to each member. The board shall
116 29 keep accurate and complete records of all of its meetings.

116 30 b. A simple majority of the members shall constitute a
116 31 quorum to enable the transaction of any business and for the
116 32 exercise of any power or function of the board. Action may be
116 33 taken and motions and resolutions adopted by the affirmative
116 34 vote of a majority of the members attending the meeting whether
116 35 in person, by telephone, web conference, or other means. A



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117 1 board member shall not vote by proxy or through a delegate.
117 2 c. Public members of the board shall receive reimbursement
117 3 for actual expenses incurred while serving in their official
117 4 capacity, only if they are not eligible for reimbursement by
117 5 the organization that they represent. A person who serves as a
117 6 member of the board shall not by reason of such membership be
117 7 entitled to membership in the Iowa public employees' retirement
117 8 system or service credit for any public retirement system.
117 9 6. The board may exercise its powers, duties, and functions
117 10 as provided in this chapter and as prescribed by law. The
117 11 director and the board shall ensure that matters under the
117 12 purview of the board are carried out in a manner that does not
117 13 violate or risk violation of applicable state or federal laws
117 14 or regulations, and that supports overriding public policy and
117 15 public safety concerns, fiscal compliance, and compliance with
117 16 the office of the national coordinator for health information
117 17 technology state health information exchange cooperative
117 18 agreement program or any other cooperative agreement programs
117 19 or grants supporting Iowa e=health. The board shall do all of
117 20 the following:
117 21 a. Participate in the selection of the executive director
117 22 and assist in the development of performance standards and
117 23 evaluations of the executive director.
117 24 b. Establish priorities among health information network
117 25 services based on the needs of the population of this state.
117 26 c. Oversee the handling and accounting of assets and moneys
117 27 received for or generated by the health information network.
117 28 d. Establish committees and workgroups as needed.
117 29 e. Review and approve or disapprove all of the following,
117 30 as proposed by the department:
117 31 (1) Strategic, operational, and financial sustainability
117 32 plans for Iowa e=health, the health information network, and
117 33 health information network services.
117 34 (2) Standards, requirements, policies, and procedures for
117 35 access, use, secondary use, and privacy and security of health



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118 1 information network through the health information exchange,
118 2 consistent with applicable federal and state standards and
118 3 laws.
118 4 (3) Policies and procedures for administering the
118 5 infrastructure, technology, and associated professional
118 6 services necessary for the business and technical operation of
118 7 the health information network and health information network
118 8 services.
118 9 (4) Policies and procedures for evaluation of the health
118 10 information network and health information network services.
118 11 (5) Mechanisms for periodic review and update of policies
118 12 and procedures.
118 13 (6) An annual budget and fiscal report for the operations of
118 14 the health information network and an annual report for Iowa
118 15 e=health and health information network services.
118 16 (7) Major purchases of goods and services.
118 17 f. Adopt administrative rules pursuant to chapter 17A
118 18 to implement this chapter and relating to the management
118 19 and operation of the health information network and health
118 20 information network services.
118 21 g. Adopt rules for monitoring access to and use of
118 22 the health information network and enforcement of health
118 23 information network rules, standards, requirements, policies,
118 24 and procedures. The board may suspend, limit, or terminate a
118 25 participant's utilization of the health information network for
118 26 violation of such rules, standards, requirements, policies,
118 27 or procedures, and shall establish, by rule, a process for
118 28 notification, right to respond, and appeal relative to such
118 29 violations.
118 30 h. Have all remedies allowed by law to address any violation
118 31 of the terms of the participation and data sharing agreement.
118 32 i. Perform any and all other activities in furtherance of
118 33 its purpose.
118 34 7. a. A board member is subject to chapter 68B, the rules
118 35 adopted by the Iowa ethics and campaign disclosure board, and



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119 1 the ethics rules and requirements that apply to the executive
119 2 branch of state government.
119 3 b. A board member shall not participate in any matter
119 4 before the board in which the board member has a direct or
119 5 indirect interest in an undertaking that places the board
119 6 member's personal or business interests in conflict with those
119 7 of Iowa e=health, including but not limited to an interest in
119 8 a procurement contract, or that may create the appearance of
119 9 impropriety.
119 10 8. Advisory council.
119 11 a. An advisory council to the board is established
119 12 to provide an additional mechanism for obtaining broader
119 13 stakeholder advice and input regarding health information
119 14 technology, the health information network, and health
119 15 information network services.
119 16 b. The advisory council shall be comprised of the following
119 17 members who shall serve two=year staggered terms:
119 18 (1) The following members designated as specified:
119 19 (a) One member who is a licensed practicing nurse in
119 20 an office or clinic setting, designated by the Iowa nurses
119 21 association.
119 22 (b) One member representing licensed pharmacists,
119 23 designated by the Iowa pharmacy association.
119 24 (c) One member representing the Iowa healthcare
119 25 collaborative, designated by the collaborative.
119 26 (d) One member representing substance abuse programs,
119 27 designated by the Iowa behavioral health association.
119 28 (e) One member representing community mental health
119 29 centers, designated by the Iowa association of community
119 30 providers.
119 31 (f) One member representing long=term care providers,
119 32 designated by the Iowa health care association/Iowa center for
119 33 assisted living and the Iowa association of homes and services
119 34 for the aging.
119 35 (g) One member representing licensed physicians, designated



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120 1 by the Iowa academy of family physicians.
120 2 (h) One member representing chiropractors, designated by
120 3 the Iowa chiropractic society.
120 4 (i) One member who is a practicing physician in an office
120 5 or clinic setting, designated by the Iowa osteopathic medical
120 6 association.
120 7 (j) One member representing business interests, designated
120 8 by the Iowa association of business and industry.
120 9 (2) The following members appointed by the board:
120 10 (a) One member representing the state board of health.
120 11 (b) One member representing academics.
120 12 (c) One member representing the Iowa Medicare quality
120 13 improvement organization.
120 14 (d) One member who is the state chief information officer.
120 15 (e) One member representing the private telecommunications
120 16 industry.
120 17 (f) One member representing Des Moines university.
120 18 (g) One member representing home health care providers.
120 19 (h) One member representing the department of veterans
120 20 affairs.
120 21 c. The board may change the membership and the composition
120 22 of the advisory council, by rule, to accommodate changes in
120 23 stakeholder interests and the evolution of health information
120 24 technology, the health information network, and health
120 25 information network services. An advisory council member may
120 26 be removed by a vote of the board if, based on the criteria
120 27 provided in section 69.15, subsection 1, paragraphs "a" and "b",
120 28 the advisory council member would be deemed to have submitted a
120 29 resignation from the advisory council.
120 30 Sec. 115. NEW SECTION. 135D.5 Business and technical
120 31 operations ==== office of health information technology.
120 32 1. The office of health information technology is
120 33 established within the department and shall be responsible for
120 34 the day=to=day business and operations of Iowa e=health, the
120 35 health information network, and health information network



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121 1 services. The office shall be under the direction of the
121 2 director and under the supervision of the deputy director.
121 3 2. a. The department shall employ an executive director to
121 4 manage the office and the executive director shall report to
121 5 the deputy director.
121 6 b. The executive director shall manage the planning and
121 7 implementation of Iowa e=health, the health information
121 8 network, and health information network services, and shall
121 9 provide high=level coordination across public and private
121 10 sector stakeholders.
121 11 c. The executive director shall serve as Iowa's health
121 12 information technology coordinator and primary point of
121 13 contact for the office of the national coordinator for health
121 14 information technology, other federal and state agencies
121 15 involved in health information technology, and state health
121 16 information technology coordinators from other states.
121 17 3. a. The executive director and all other employees of
121 18 the office shall be employees of the state, classified and
121 19 compensated in accordance with chapter 8A, subchapter IV, and
121 20 chapter 20.
121 21 b. Subject to approval of the board, the director shall
121 22 have the sole power to determine the number of full=time and
121 23 part=time equivalent positions necessary to carry out the
121 24 provisions of this chapter.
121 25 c. An employee of the office shall not have a financial
121 26 interest in any vendor doing business or proposing to do
121 27 business with Iowa e=health.
121 28 4. The department shall do all of the following:
121 29 a. Develop, implement, and enforce the following, as
121 30 approved by the board:
121 31 (1) Strategic, operational, and financial sustainability
121 32 plans for the health information network, Iowa e=health, and
121 33 health information network services.
121 34 (2) Standards, requirements, policies, and procedures for
121 35 access, use, secondary use, and privacy and security of health



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122 1 information exchanged through the health information network,
122 2 consistent with applicable federal and state standards and
122 3 laws.
122 4 (3) Policies and procedures for monitoring participant
122 5 usage of the health information network and health information
122 6 network services; enforcing noncompliance with health
122 7 information network standards, requirements, policies, rules,
122 8 and procedures.
122 9 (4) Policies and procedures for administering the
122 10 infrastructure, technology, and associated professional
122 11 services required for operation of the health information
122 12 network and health information network services.
122 13 (5) Policies and procedures for evaluation of the health
122 14 information network and health information network services.
122 15 (6) A mechanism for periodic review and update of policies
122 16 and procedures.
122 17 (7) An annual budget and fiscal report for the business
122 18 and technical operations of the health information network and
122 19 an annual report for Iowa e=health, the health information
122 20 network, and health information network services. The
122 21 department shall submit all such reports to the general
122 22 assembly.
122 23 b. Convene and facilitate board, advisory council,
122 24 workgroup, committee, and other stakeholder meetings.
122 25 c. Provide technical and operational assistance for
122 26 planning and implementing Iowa e=health activities, the health
122 27 information network, and health information network services.
122 28 d. Provide human resource, budgeting, project and
122 29 activity coordination, and related management functions to
122 30 Iowa e=health, the health information network, and health
122 31 information network services.
122 32 e. Develop educational materials and educate the general
122 33 public on the benefits of electronic health records, the health
122 34 information network, and the safeguards available to prevent
122 35 unauthorized disclosure of health information.



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123 1 f. Enter into participation and data sharing agreements with
123 2 participants of the health information network.
123 3 g. Record receipts and approval of payments, and file
123 4 required financial reports.
123 5 h. Apply for, acquire by gift or purchase, and hold,
123 6 dispense, or dispose of funds and real or personal property
123 7 from any person, governmental entity, or organization in
123 8 the exercise of its powers and performance of its duties in
123 9 accordance with this chapter.
123 10 i. Administer grant funds in accordance with the terms of
123 11 the grant and all applicable state and federal laws, rules, and
123 12 regulations.
123 13 j. Select and contract with vendors in compliance with
123 14 applicable state and federal procurement laws and regulations.
123 15 k. Coordinate with other health information technology and
123 16 health information network programs and activities.
123 17 l. Work to align interstate and intrastate interoperability
123 18 and standards in accordance with national health information
123 19 exchange standards.
123 20 m. Execute all instruments necessary or incidental to the
123 21 performance of its duties and the execution of its powers.
123 22 Sec. 116. NEW SECTION. 135D.6 Iowa e=health finance fund.
123 23 1. The Iowa e=health finance fund is created as a separate
123 24 fund within the state treasury under the control of the board.
123 25 Revenues, donations, gifts, interest, or other moneys received
123 26 or generated relative to the operation and administration of
123 27 the health information network and health information network
123 28 services, shall be deposited in the fund.
123 29 2. Moneys in the fund shall be expended by the department
123 30 only on activities and operations suitable to the performance
123 31 of the department's duties on behalf of the board and Iowa
123 32 e=health as specified in this chapter, subject to board
123 33 approval. Disbursements may be made from the fund for purposes
123 34 related to the administration, management, operations,
123 35 functions, activities, and sustainability of the health



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124 1 information network and health information network services.
124 2 3. Notwithstanding section 12C.7, subsection 2, earnings or
124 3 interest on moneys deposited in the fund shall be credited to
124 4 the fund. Notwithstanding section 8.33, any unexpended balance
124 5 in the fund at the end of each fiscal year shall be retained in
124 6 the fund and shall not be transferred to the general fund of
124 7 the state.
124 8 4. The moneys in the fund shall be subject to financial and
124 9 compliance audits by the auditor of state.
124 10 5. The general assembly may appropriate moneys in the fund
124 11 to the department on behalf of Iowa e=health for the health
124 12 information network and health information network services.
124 13 Sec. 117. NEW SECTION. 135D.7 Technical infrastructure.
124 14 1. The health information network shall provide a mechanism
124 15 to facilitate and support the secure electronic exchange
124 16 of health information between participants. The health
124 17 information network shall not function as a central repository
124 18 of all health information.
124 19 2. The health information network shall provide a mechanism
124 20 for participants without an electronic health record system to
124 21 access health information from the health information network.
124 22 3. The technical infrastructure of the health information
124 23 network shall be designed to facilitate the secure electronic
124 24 exchange of health information using functions including but
124 25 not limited to all of the following:
124 26 a. A master patient index, in the absence of a single,
124 27 standardized patient identifier, to exchange secure health
124 28 information among participants.
124 29 b. A record locator service to locate and exchange secure
124 30 health information among participants.
124 31 c. Authorization, authentication, access, and auditing
124 32 processes for security controls to protect the privacy of
124 33 consumers and participants and the confidentiality of health
124 34 information by limiting access to the health information
124 35 network and health information to participants whose identity



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125 1 has been authenticated, and whose access to health information
125 2 is limited by their role and recorded through an audit trail.
125 3 d. Electronic transmission procedures and software necessary
125 4 to facilitate the electronic exchange of various types of
125 5 health information through the health information network.
125 6 e. Telecommunications through coordination of public
125 7 and private networks to provide the backbone infrastructure
125 8 to connect participants exchanging health information. The
125 9 networks may include but are not limited to the state-owned
125 10 communications network, other fiber optic networks, and private
125 11 telecommunications service providers.
125 12 4. The state shall own or possess the rights to use all
125 13 processes and software developed, and hardware installed,
125 14 leased, designed, or purchased for the health information
125 15 network, and shall permit participants to use the health
125 16 information network and health information network services in
125 17 accordance with the standards, policies, procedures, rules,
125 18 and regulations approved by the board, and the terms of the
125 19 participation and data sharing agreement.
125 20 Sec. 118. NEW SECTION. 135D.8 Legal and policy.
125 21 1. Upon approval from the board, the office of health
125 22 information technology shall establish appropriate security
125 23 standards, policies, and procedures to protect the transmission
125 24 and receipt of individually identifiable health information
125 25 exchanged through the health information network. The security
125 26 standards, policies, and procedures shall, at a minimum, comply
125 27 with the Health Insurance Portability and Accountability Act
125 28 security rule pursuant to 45 C.F.R. pt. 164, subpt. C, and
125 29 shall reflect all of the following:
125 30 a. Include authorization controls, including the
125 31 responsibility to authorize, maintain, and terminate a
125 32 participant's use of the health information network.
125 33 b. Require authentication controls to verify the identity
125 34 and role of the participant using the health information
125 35 network.



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126 1 c. Include role-based access controls to restrict
126 2 functionality and information available through the health
126 3 information network.
126 4 d. Include a secure and traceable electronic audit system
126 5 to document and monitor the sender and the recipient of health
126 6 information exchanged through the health information network.
126 7 e. Require standard participation and data sharing
126 8 agreements which define the minimum privacy and security
126 9 obligations of all participants using the health information
126 10 network and health information network services.
126 11 f. Include controls over access to and the collection,
126 12 organization, and maintenance of records and data for
126 13 purposes of research or population health that protect the
126 14 confidentiality of consumers who are the subject of the health
126 15 information.
126 16 2. a. A patient shall have the opportunity to decline
126 17 exchange of their health information through the health
126 18 information network. The board shall provide by rule the means
126 19 and process by which patients may decline participation. A
126 20 patient shall not be denied care or treatment for declining
126 21 to exchange their health information, in whole or in part,
126 22 through the health information network. The means and process
126 23 utilized under the rules shall minimize the burden on patients
126 24 and providers.
126 25 b. Unless otherwise authorized by law or rule, a patient's
126 26 decision to decline participation means that none of the
126 27 patient's health information shall be exchanged through the
126 28 health information network. If a patient does not decline
126 29 participation, the patient's health information may be
126 30 exchanged through the health information network except as
126 31 follows:
126 32 (1) If health information associated with a patient
126 33 visit with a provider is protected by state law that is
126 34 more restrictive than the Health Insurance Portability and
126 35 Accountability Act, a patient shall have the right to decline



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127 1 sharing of health information through the health information
127 2 network from such visit as provided by rule.

127 3 (2) With the consent of the patient, a provider may
127 4 limit health information associated with a patient visit
127 5 from being shared through the health information network if
127 6 such limitation is reasonably determined by the provider, in
127 7 consultation with the patient, to be in the best interest of
127 8 the patient as provided by rule.

127 9 c. A patient who declines participation in the health
127 10 information network may later decide to have health information
127 11 shared through the health information network. A patient who
127 12 is participating in the health information network may later
127 13 decline participation in the health information network.

127 14 3. The office shall develop and distribute educational
127 15 tools and information for consumers, patients, and providers to
127 16 inform them about the health information network, including but
127 17 not limited to the safeguards available to prevent unauthorized
127 18 disclosure of health information and a patient's right to
127 19 decline participation in the health information network.

127 20 4. a. A participant shall not release or use protected
127 21 health information exchanged through the health information
127 22 network for purposes unrelated to prevention, treatment,
127 23 payment, or health care operations unless otherwise authorized
127 24 or required by law. Participants shall limit the use and
127 25 disclosure of protected health information to the minimum
127 26 amount required to accomplish the intended purpose of the use
127 27 or request, in compliance with the Health Insurance Portability
127 28 and Accountability Act and other applicable federal law. Use
127 29 or distribution of the information for a marketing purpose, as
127 30 defined by the Health Insurance Portability and Accountability
127 31 Act, is strictly prohibited.

127 32 b. The department, the office, and all persons using the
127 33 health information network shall be individually responsible
127 34 for following breach notification policies as provided by the
127 35 Health Insurance Portability and Accountability Act.



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128 1 c. A participant shall not be compelled by subpoena, court
128 2 order, or other process of law to access health information
128 3 through the health information network in order to gather
128 4 records or information not created by the participant.
128 5 5. a. If a patient has declined participation in the health
128 6 information network, the patient's health information may be
128 7 released to a provider through the health information network
128 8 if all of the following circumstances exist:
128 9 (1) The patient is unable to provide consent due to
128 10 incapacitation.
128 11 (2) The requesting provider believes, in good faith, that
128 12 the information is necessary to prevent imminent serious injury
128 13 to the patient. Imminent serious injury includes but it not
128 14 limited to death, injury or disease that creates a substantial
128 15 risk of death, or injury or disease that causes protracted loss
128 16 or impairment of any organ or body system.
128 17 (3) Such information cannot otherwise be readily obtained.
128 18 b. The department shall provide by rule for the reporting of
128 19 emergency access and use by a provider.
128 20 6. All participants exchanging health information and
128 21 data through the health information network shall grant to
128 22 participants of the health information network a nonexclusive
128 23 license to retrieve and use that information or data in
128 24 accordance with applicable state and federal laws, and the
128 25 policies, procedures, and rules established by the board.
128 26 7. The department shall establish by rule the procedures for
128 27 a patient who is the subject of health information to do all of
128 28 the following:
128 29 a. Receive notice of a violation of the confidentiality
128 30 provisions required under this chapter.
128 31 b. Upon request to the department, view an audit report
128 32 created under this chapter for the purpose of monitoring access
128 33 to the patient's records.
128 34 8. a. A provider who relies reasonably and in good faith
128 35 upon any health information provided through the health



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129 1 information network in treatment of a patient shall be immune
129 2 from criminal or civil liability arising from any damages
129 3 caused by such reasonable, good faith reliance. Such immunity
129 4 shall not apply to acts or omissions constituting negligence,
129 5 recklessness, or intentional misconduct.
129 6 b. A participant that has disclosed health information
129 7 through the health information network in compliance with
129 8 applicable law and the standards, requirements, policies,
129 9 procedures, and agreements of the health information network
129 10 shall not be subject to criminal or civil liability for the use
129 11 or disclosure of the health information by another participant.
129 12 9. a. Notwithstanding chapter 22, the following records
129 13 shall be kept confidential, unless otherwise ordered by a court
129 14 or consented to by the patient or by a person duly authorized
129 15 to release such information:
129 16 (1) The protected health information contained in, stored
129 17 in, submitted to, transferred or exchanged by, or released from
129 18 the health information network.
129 19 (2) Any protected health information in the possession of
129 20 Iowa e=health or the department due to its administration of
129 21 the health information network.
129 22 b. Unless otherwise provided in this chapter, when using
129 23 the health information network for the purpose of patient
129 24 treatment, a provider is exempt from any other state law that
129 25 is more restrictive than the Health Insurance Portability and
129 26 Accountability Act that would otherwise prevent or hinder the
129 27 exchange of patient information by the patient's providers.
129 28 Sec. 119. NEW SECTION. 135D.9 Iowa e=health ==== health
129 29 information network services.
129 30 Iowa e=health shall facilitate services through the health
129 31 information network or through other marketplace mechanisms
129 32 to improve the quality, safety, and efficiency of health care
129 33 available to consumers. These services shall include but are
129 34 not limited to all of the following:
129 35 1. Patient summary records such as continuity of care



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130 1 documents.
130 2 2. A provider directory and provider messaging.
130 3 3. Clinical orders and results.
130 4 4. Public health reporting such as electronic reporting to
130 5 the statewide immunization registry and reportable diseases.
130 6 5. Medication history.
130 7 Sec. 120. NEW SECTION. 135D.10 Governance review and
130 8 transition.
130 9 1. a. The Iowa e=health governance structure shall continue
130 10 during the first two years of the term of the state health
130 11 information exchange cooperative agreement with the office of
130 12 the national coordinator for health information technology
130 13 to address the development of policies and procedures;
130 14 dissemination of interoperability standards; the initiation,
130 15 testing, and operation of the health information network
130 16 infrastructure; and the evolution of health information network
130 17 services to improve patient care for the population.
130 18 b. Following the end of the first two years of the term
130 19 of the cooperative agreement, the board and the department
130 20 shall review the Iowa e=health governance structure, operations
130 21 of the health information network, and the business and
130 22 sustainability plan to determine if the existing Iowa e=health
130 23 governance structure should continue or should be replaced by
130 24 any of the following:
130 25 (1) A public authority or similar body with broad
130 26 stakeholder representation on its governing board.
130 27 (2) A not=for=profit entity with broad stakeholder
130 28 representation on its governing board.
130 29 2. If the board and department determine that the governance
130 30 structure should be replaced, Iowa e=health shall develop
130 31 a transition plan to transfer the responsibilities for the
130 32 domains specified in section 135D.3.
130 33 Sec. 121. Section 136.3, subsection 14, Code 2011, is
130 34 amended to read as follows:
130 35 14. Perform those duties authorized pursuant to sections



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131 1 ~~135.156~~, 135.159~~7~~, and 135.161, and other provisions of law.
131 2 Sec. 122. Section 249J.14, subsection 2, paragraphs a and b,
131 3 Code 2011, are amended to read as follows:
131 4 a. Design and implement a program for distribution
131 5 and monitoring of provider incentive payments, including
131 6 development of a definition of "meaningful use" for purposes
131 7 of promoting the use of electronic medical recordkeeping by
131 8 providers. The department shall develop this program in
131 9 collaboration with the department of public health and the
131 10 ~~electronic health information advisory council and executive~~
131 11 ~~committee~~ board of directors and the advisory council to the
131 12 board of Iowa e=health created pursuant to section 135.156
131 13 ~~135D.4.~~
131 14 b. Develop the medical assistance health information
131 15 technology plan as required by the centers for Medicare and
131 16 Medicaid services of the United States department of health and
131 17 human services. The plan shall provide detailed implementation
131 18 plans for the medical assistance program for promotion of the
131 19 adoption and meaningful use of health information technology by
131 20 medical assistance providers and the Iowa Medicaid enterprise.
131 21 The plan shall include the integration of health information
131 22 technology and the health information exchange network with the
131 23 medical assistance management information system. The plan
131 24 shall be developed in collaboration with the department of
131 25 public health and the ~~electronic health information advisory~~
131 26 ~~council and executive committee~~ board of directors and the
131 27 advisory council to the board of Iowa e=health created pursuant
131 28 to section 135.156 135D.4.
131 29 Sec. 123. INITIAL APPOINTMENTS ==== BOARD.
131 30 1. The initial appointments of board member positions
131 31 described in section 135D.4, as enacted by this division of
131 32 this Act, shall have staggered terms as follows:
131 33 a. The board members designated by the Iowa collaborative
131 34 safety net provider network and the Iowa medical society, shall
131 35 have initial terms of two years, after which the members shall



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132 1 serve four=year terms.
132 2 b. The board members designated by the two largest health
132 3 care systems in the state, the university of Iowa hospitals
132 4 and clinics, and the Iowa hospital association, shall have
132 5 initial terms of four years, after which the members shall
132 6 serve four=year terms.
132 7 c. The board members designated by the federation of Iowa
132 8 insurers shall serve initial terms of six years, after which
132 9 the members shall serve four=year terms.
132 10 2. With the exception of board members who are
132 11 representatives of state agencies and not subject to term
132 12 limits as provided in section 135D.4, board members appointed
132 13 under this section may serve an additional four=year term,
132 14 with the exception of those board members initially serving a
132 15 two=year term, who may serve two consecutive four=year terms
132 16 following the initial two=year term.
132 17 Sec. 124. REPEAL. Sections 135.154, 135.155, and 135.156,
132 18 Code 2011, are repealed.
132 19 Sec. 125. TRANSITION PROVISIONS. Notwithstanding any
132 20 other provision of this division of this Act, the department
132 21 of public health, and the executive committee and the advisory
132 22 council created pursuant to section 135.156, shall continue to
132 23 exercise the powers and duties specified under that section
132 24 until such time as all board members have been appointed as
132 25 provided in section 135D.4, as enacted by this division of this
132 26 Act.
132 27 Sec. 126. EFFECTIVE DATE. The sections of this division of
132 28 this Act repealing sections 135.154, 135.155, and 135.156, and
132 29 amending sections 136.3 and 249J.14, take effect on the date
132 30 all board members are appointed as provided in section 135D.4,
132 31 as enacted by this division of this Act. The department of
132 32 public health shall notify the Code editor of such date.
132 33 Sec. 127. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
132 34 APPLICABILITY. Except as otherwise provided by this division
132 35 of this Act, this division of this Act, being deemed of



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133 1 immediate importance, takes effect upon enactment and if
133 2 approved by the governor on or after July 1, 2011, applies
133 3 retroactively to June 30, 2011.

133 4 DIVISION XV

133 5 DEPARTMENT ON AGING ==== FY 2012=2013

133 6 Sec. 128. DEPARTMENT ON AGING. There is appropriated from
133 7 the general fund of the state to the department on aging for
133 8 the fiscal year beginning July 1, 2012, and ending June 30,
133 9 2013, the following amount, or so much thereof as is necessary,
133 10 to be used for the purposes designated:

133 11 For aging programs for the department on aging and area
133 12 agencies on aging to provide citizens of Iowa who are 60 years
133 13 of age and older with case management for frail elders, Iowa's
133 14 aging and disabilities resource center, and other services
133 15 which may include but are not limited to adult day services,
133 16 respite care, chore services, information and assistance,
133 17 and material aid, for information and options counseling for
133 18 persons with disabilities who are 18 years of age or older,
133 19 and for salaries, support, administration, maintenance, and
133 20 miscellaneous purposes, and for not more than the following
133 21 full-time equivalent positions:

133 22 \$ 5,151,289

133 23 FTEs 35.00

133 24 1. Funds appropriated in this section may be used to
133 25 supplement federal funds under federal regulations. To
133 26 receive funds appropriated in this section, a local area
133 27 agency on aging shall match the funds with moneys from other
133 28 sources according to rules adopted by the department. Funds
133 29 appropriated in this section may be used for elderly services
133 30 not specifically enumerated in this section only if approved
133 31 by an area agency on aging for provision of the service within
133 32 the area.

133 33 2. The amount appropriated in this section includes
133 34 additional funding of \$225,000 for delivery of long-term care
133 35 services to seniors with low or moderate incomes.



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134 1 3. Of the funds appropriated in this section, \$89,973 shall
134 2 be transferred to the department of economic development for
134 3 the Iowa commission on volunteer services to be used for the
134 4 retired and senior volunteer program.

134 5 4. a. The department on aging shall establish and enforce
134 6 procedures relating to expenditure of state and federal funds
134 7 by area agencies on aging that require compliance with both
134 8 state and federal laws, rules, and regulations, including but
134 9 not limited to all of the following:

134 10 (1) Requiring that expenditures are incurred only for goods
134 11 or services received or performed prior to the end of the
134 12 fiscal period designated for use of the funds.

134 13 (2) Prohibiting prepayment for goods or services not
134 14 received or performed prior to the end of the fiscal period
134 15 designated for use of the funds.

134 16 (3) Prohibiting the prepayment for goods or services
134 17 not defined specifically by good or service, time period, or
134 18 recipient.

134 19 (4) Prohibiting the establishment of accounts from which
134 20 future goods or services which are not defined specifically by
134 21 good or service, time period, or recipient, may be purchased.

134 22 b. The procedures shall provide that if any funds are
134 23 expended in a manner that is not in compliance with the
134 24 procedures and applicable federal and state laws, rules, and
134 25 regulations, and are subsequently subject to repayment, the
134 26 area agency on aging expending such funds in contravention of
134 27 such procedures, laws, rules and regulations, not the state,
134 28 shall be liable for such repayment.

134 29 DIVISION XVI

134 30 DEPARTMENT OF PUBLIC HEALTH ==== FY 2012=2013

134 31 Sec. 129. DEPARTMENT OF PUBLIC HEALTH. There is
134 32 appropriated from the general fund of the state to the
134 33 department of public health for the fiscal year beginning July
134 34 1, 2012, and ending June 30, 2013, the following amounts, or
134 35 so much thereof as is necessary, to be used for the purposes



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135 1 designated:

135 2 1. ADDICTIVE DISORDERS

135 3 For reducing the prevalence of use of tobacco, alcohol, and
135 4 other drugs, and treating individuals affected by addictive
135 5 behaviors, including gambling, and for not more than the
135 6 following full-time equivalent positions:

135 7 \$ 12,301,595

135 8 FTEs 13.00

135 9 a. (1) Of the funds appropriated in this subsection,
135 10 \$2,176,916 shall be used for the tobacco use prevention and
135 11 control initiative, including efforts at the state and local
135 12 levels, as provided in chapter 142A.

135 13 (2) Of the funds allocated in this paragraph "a", \$226,915
135 14 shall be transferred to the alcoholic beverages division of
135 15 the department of commerce for enforcement of tobacco laws,
135 16 regulations, and ordinances in accordance with 2011 Iowa Acts,
135 17 House File 467, as enacted.

135 18 b. Of the funds appropriated in this subsection,
135 19 \$10,124,680 shall be used for problem gambling and substance
135 20 abuse prevention, treatment, and recovery services, including a
135 21 24-hour helpline, public information resources, professional
135 22 training, and program evaluation.

135 23 (1) Of the funds allocated in this paragraph "b", \$8,566,254
135 24 shall be used for substance abuse prevention and treatment.

135 25 (a) Of the funds allocated in this subparagraph (1),
135 26 \$449,650 shall be used for the public purpose of a grant
135 27 program to provide substance abuse prevention programming for
135 28 children.

135 29 (i) Of the funds allocated in this subparagraph division
135 30 (a), \$213,770 shall be used for grant funding for organizations
135 31 that provide programming for children by utilizing mentors.
135 32 Programs approved for such grants shall be certified or will
135 33 be certified within six months of receiving the grant award
135 34 by the Iowa commission on volunteer services as utilizing the
135 35 standards for effective practice for mentoring programs.



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136 1 (ii) Of the funds allocated in this subparagraph division
136 2 (a), \$213,420 shall be used for grant funding for organizations
136 3 that provide programming that includes youth development and
136 4 leadership. The programs shall also be recognized as being
136 5 programs that are scientifically based with evidence of their
136 6 effectiveness in reducing substance abuse in children.
136 7 (iii) The department of public health shall utilize a
136 8 request for proposals process to implement the grant program.
136 9 (iv) All grant recipients shall participate in a program
136 10 evaluation as a requirement for receiving grant funds.
136 11 (v) Of the funds allocated in this subparagraph division
136 12 (a), up to \$22,461 may be used to administer substance abuse
136 13 prevention grants and for program evaluations.
136 14 (b) Of the funds allocated in this subparagraph (1),
136 15 \$136,531 shall be used for culturally competent substance abuse
136 16 treatment pilot projects.
136 17 (i) The department shall utilize the amount allocated
136 18 in this subparagraph division (b) for at least three pilot
136 19 projects to provide culturally competent substance abuse
136 20 treatment in various areas of the state. Each pilot project
136 21 shall target a particular ethnic minority population. The
136 22 populations targeted shall include but are not limited to
136 23 African American, Asian, and Latino.
136 24 (ii) The pilot project requirements shall provide for
136 25 documentation or other means to ensure access to the cultural
136 26 competence approach used by a pilot project so that such
136 27 approach can be replicated and improved upon in successor
136 28 programs.
136 29 (2) Of the funds allocated in this paragraph "b", up
136 30 to \$1,558,426 may be used for problem gambling prevention,
136 31 treatment, and recovery services.
136 32 (a) Of the funds allocated in this subparagraph (2),
136 33 \$1,289,500 shall be used for problem gambling prevention and
136 34 treatment.
136 35 (b) Of the funds allocated in this subparagraph (2), up to



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137 1 \$218,926 may be used for a 24-hour helpline, public information
137 2 resources, professional training, and program evaluation.

137 3 (c) Of the funds allocated in this subparagraph (2), up
137 4 to \$50,000 may be used for the licensing of problem gambling
137 5 treatment programs.

137 6 (3) It is the intent of the general assembly that from the
137 7 moneys allocated in this paragraph "b", persons with a dual
137 8 diagnosis of substance abuse and gambling addictions shall be
137 9 given priority in treatment services.

137 10 c. Notwithstanding any provision of law to the contrary,
137 11 to standardize the availability, delivery, cost of delivery,
137 12 and accountability of problem gambling and substance abuse
137 13 treatment services statewide, the department shall continue
137 14 implementation of a process to create a system for delivery
137 15 of treatment services in accordance with the requirements
137 16 specified in 2008 Iowa Acts, chapter 1187, section 3,
137 17 subsection 4. To ensure the system provides a continuum of
137 18 treatment services that best meets the needs of Iowans, the
137 19 problem gambling and substance abuse treatment services in any
137 20 area may be provided either by a single agency or by separate
137 21 agencies submitting a joint proposal.

137 22 (1) The system for delivery of substance abuse and
137 23 problem gambling treatment shall include problem gambling
137 24 prevention by July 1, 2012. The department shall submit a
137 25 proposed legislative bill in accordance with section 2.16, for
137 26 consideration during the 2012 legislative session, addressing
137 27 any statutory revisions necessary for full implementation of
137 28 the system.

137 29 (2) The system for delivery of substance abuse and problem
137 30 gambling treatment shall include substance abuse prevention by
137 31 July 1, 2014.

137 32 (3) Of the funds allocated in paragraph "b", the department
137 33 may use up to \$50,000 for administrative costs to continue
137 34 developing and implementing the process in accordance with this
137 35 paragraph "c".



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138 1 d. The requirement of section 123.53, subsection 5, is met
138 2 by the appropriations and allocations made in this Act for
138 3 purposes of substance abuse treatment and addictive disorders
138 4 for the fiscal year beginning July 1, 2011.
138 5 e. The department of public health shall work with all other
138 6 departments that fund substance abuse prevention and treatment
138 7 services and all such departments shall, to the extent
138 8 necessary, collectively meet the state maintenance of effort
138 9 requirements for expenditures for substance abuse services
138 10 as required under the federal substance abuse prevention and
138 11 treatment block grant.
138 12 f. The department shall amend or otherwise revise
138 13 departmental policies and contract provisions in order to
138 14 eliminate free t-shirt distribution, banner production, and
138 15 other unnecessary promotional expenditures.
138 16 2. HEALTHY CHILDREN AND FAMILIES
138 17 For promoting the optimum health status for children,
138 18 adolescents from birth through 21 years of age, and families,
138 19 and for not more than the following full-time equivalent
138 20 positions:
138 21 \$ 1,297,135
138 22 FTEs 10.00
138 23 a. Of the funds appropriated in this subsection, not more
138 24 than \$369,659 shall be used for the healthy opportunities to
138 25 experience success (HOPES)=healthy families Iowa (HFI) program
138 26 established pursuant to section 135.106. The funding shall
138 27 be distributed to renew the grants that were provided to the
138 28 grantees that operated the program during the fiscal year
138 29 ending June 30, 2012.
138 30 b. Of the funds appropriated in this subsection, \$164,943
138 31 shall be used to continue to address the healthy mental
138 32 development of children from birth through five years of age
138 33 through local evidence-based strategies that engage both the
138 34 public and private sectors in promoting healthy development,
138 35 prevention, and treatment for children. A portion of the



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139 1 funds allocated in this lettered paragraph may be used for a
139 2 full-time equivalent position to coordinate the activities
139 3 under this paragraph.
139 4 c. Of the funds appropriated in this subsection, \$15,799
139 5 shall be distributed to a statewide dental carrier to provide
139 6 funds to continue the donated dental services program patterned
139 7 after the projects developed by the lifeline network to provide
139 8 dental services to indigent elderly and disabled individuals.
139 9 d. Of the funds appropriated in this subsection, \$56,339
139 10 shall be used for childhood obesity prevention.
139 11 e. Of the funds appropriated in this subsection, \$81,880
139 12 shall be used to provide audiological services and hearing
139 13 aids for children. The department may enter into a contract
139 14 to administer this paragraph.
139 15 3. CHRONIC CONDITIONS
139 16 For serving individuals identified as having chronic
139 17 conditions or special health care needs, and for not more than
139 18 the following full-time equivalent positions:
139 19 \$ 1,699,578
139 20 FTEs 4.00
139 21 a. Of the funds appropriated in this subsection, \$80,291
139 22 shall be used for grants to individual patients who have
139 23 phenylketonuria (PKU) to assist with the costs of necessary
139 24 special foods.
139 25 b. Of the funds appropriated in this subsection, \$241,800
139 26 is allocated for continuation of the contracts for resource
139 27 facilitator services in accordance with section 135.22B,
139 28 subsection 9, and for brain injury training services and
139 29 recruiting of service providers to increase the capacity within
139 30 this state to address the needs of individuals with brain
139 31 injuries and such individuals' families.
139 32 c. Of the funds appropriated in this subsection, \$249,437
139 33 shall be used as additional funding to leverage federal funding
139 34 through the federal Ryan White Care Act, Tit. II, AIDS drug
139 35 assistance program supplemental drug treatment grants.



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140 1 d. Of the funds appropriated in this subsection, \$15,627
140 2 shall be used for the public purpose of providing a grant to an
140 3 existing national=affiliated organization to provide education,
140 4 client=centered programs, and client and family support for
140 5 people living with epilepsy and their families.

140 6 e. Of the funds appropriated in this subsection, \$394,152
140 7 shall be used for child health specialty clinics.

140 8 f. Of the funds appropriated in this subsection, \$273,533
140 9 shall be used for the comprehensive cancer control program to
140 10 reduce the burden of cancer in Iowa through prevention, early
140 11 detection, effective treatment, and ensuring quality of life.
140 12 Of the funds allocated in this lettered paragraph, \$100,000
140 13 shall be used to support a melanoma research symposium, a
140 14 melanoma biorepository and registry, basic and translational
140 15 melanoma research, and clinical trials.

140 16 g. Of the funds appropriated in this subsection, \$63,225
140 17 shall be used for cervical and colon cancer screening.

140 18 h. Of the funds appropriated in this subsection, \$264,417
140 19 shall be used for the center for congenital and inherited
140 20 disorders. A portion of the funds allocated in this paragraph
140 21 may be used for one full=time equivalent position for
140 22 administration of the center.

140 23 i. Of the funds appropriated in this subsection, \$64,969
140 24 shall be used for the prescription drug donation repository
140 25 program created in chapter 135M.

140 26 4. COMMUNITY CAPACITY

140 27 For strengthening the health care delivery system at the
140 28 local level, and for not more than the following full=time
140 29 equivalent positions:

140 30	\$	2,413,350
140 31	FTEs	14.00

140 32 a. Of the funds appropriated in this subsection, \$50,000
140 33 is allocated for a child vision screening program implemented
140 34 through the university of Iowa hospitals and clinics in
140 35 collaboration with early childhood Iowa areas.



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141 1 b. Of the funds appropriated in this subsection, \$55,654 is
141 2 allocated for continuation of an initiative implemented at the
141 3 university of Iowa and \$50,247 is allocated for continuation of
141 4 an initiative at the state mental health institute at Cherokee
141 5 to expand and improve the workforce engaged in mental health
141 6 treatment and services. The initiatives shall receive input
141 7 from the university of Iowa, the department of human services,
141 8 the department of public health, and the mental health, mental
141 9 retardation, developmental disabilities, and brain injury
141 10 commission to address the focus of the initiatives.

141 11 c. Of the funds appropriated in this subsection, \$585,746
141 12 shall be used for essential public health services that promote
141 13 healthy aging throughout the lifespan, contracted through a
141 14 formula for local boards of health, to enhance health promotion
141 15 and disease prevention services.

141 16 d. Of the funds appropriated in this section, \$60,909 shall
141 17 be deposited in the governmental public health system fund
141 18 created in section 135A.8 to be used for the purposes of the
141 19 fund.

141 20 e. Of the funds appropriated in this subsection, \$53,140
141 21 shall be used for the mental health professional shortage area
141 22 program implemented pursuant to section 135.80.

141 23 f. Of the funds appropriated in this subsection,
141 24 \$19,132 shall be used for a grant to a statewide association
141 25 of psychologists that is affiliated with the American
141 26 psychological association to be used for continuation of a
141 27 program to rotate intern psychologists in placements in urban
141 28 and rural mental health professional shortage areas, as defined
141 29 in section 135.80.

141 30 g. Of the funds appropriated in this subsection, the
141 31 following amounts shall be allocated to the Iowa collaborative
141 32 safety net provider network established pursuant to section
141 33 135.153 to be used for the purposes designated. The following
141 34 amounts allocated under this lettered paragraph shall be
141 35 distributed to the specified provider and shall not be reduced



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142 1 for administrative or other costs prior to distribution:
142 2 (1) For distribution to the Iowa primary care association
142 3 for statewide coordination of the Iowa collaborative safety net
142 4 provider network:
142 5 \$ 66,290
142 6 (2) For distribution to the Iowa family planning network
142 7 agencies for necessary infrastructure, statewide coordination,
142 8 provider recruitment, service delivery, and provision of
142 9 assistance to patients in determining an appropriate medical
142 10 home:
142 11 \$ 37,259
142 12 (3) For distribution to the local boards of health that
142 13 provide direct services for pilot programs in three counties to
142 14 assist patients in determining an appropriate medical home:
142 15 \$ 37,259
142 16 (4) For distribution to maternal and child health centers
142 17 for pilot programs in three counties to assist patients in
142 18 determining an appropriate medical home:
142 19 \$ 37,259
142 20 (5) For distribution to free clinics for necessary
142 21 infrastructure, statewide coordination, provider recruitment,
142 22 service delivery, and provision of assistance to patients in
142 23 determining an appropriate medical home:
142 24 \$ 62,025
142 25 (6) For distribution to rural health clinics for necessary
142 26 infrastructure, statewide coordination, provider recruitment,
142 27 service delivery, and provision of assistance to patients in
142 28 determining an appropriate medical home:
142 29 \$ 55,215
142 30 (7) For continuation of the safety net provider patient
142 31 access to specialty health care initiative as described in 2007
142 32 Iowa Acts, chapter 218, section 109:
142 33 \$ 130,000
142 34 (8) For continuation of the pharmaceutical infrastructure
142 35 for safety net providers as described in 2007 Iowa Acts,



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143 1 chapter 218, section 108:
143 2 \$ 135,000
143 3 The Iowa collaborative safety net provider network may
143 4 continue to distribute funds allocated pursuant to this
143 5 lettered paragraph through existing contracts or renewal of
143 6 existing contracts.
143 7 h. (1) Of the funds appropriated in this subsection,
143 8 \$74,500 shall be used for continued implementation of
143 9 the recommendations of the direct care worker task force
143 10 established pursuant to 2005 Iowa Acts, chapter 88, based upon
143 11 the report submitted to the governor and the general assembly
143 12 in December 2006. The department may use a portion of the
143 13 funds allocated in this lettered paragraph for an additional
143 14 position to assist in the continued implementation.
143 15 (2) It is the intent of the general assembly that a
143 16 board of direct care workers shall be established within the
143 17 department of public health by July 1, 2014, contingent upon
143 18 the availability of funds to establish and maintain the board.
143 19 i. (1) Of the funds appropriated in this subsection,
143 20 \$65,050 shall be used for allocation to an independent
143 21 statewide direct care worker association for education,
143 22 outreach, leadership development, mentoring, and other
143 23 initiatives intended to enhance the recruitment and retention
143 24 of direct care workers in health care and long-term care
143 25 settings.
143 26 (2) Of the funds appropriated in this subsection, \$29,000
143 27 shall be used to provide scholarships or other forms of
143 28 subsidization for direct care worker educational conferences,
143 29 training, or outreach activities.
143 30 j. The department may utilize one of the full-time
143 31 equivalent positions authorized in this subsection for
143 32 administration of the activities related to the Iowa
143 33 collaborative safety net provider network.
143 34 k. Of the funds appropriated in this subsection, the
143 35 department may use up to \$30,000 for up to one full-time



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144 1 equivalent position to administer the volunteer health care
144 2 provider program pursuant to section 135.24.
144 3 1. Of the funds appropriated in this subsection, \$25,000
144 4 shall be used for a matching dental education loan repayment
144 5 program to be allocated to a dental nonprofit health service
144 6 corporation to develop the criteria and implement the loan
144 7 repayment program.
144 8 m. Of the funds appropriated in this subsection, up to
144 9 \$67,107 shall be used to support the department's activities
144 10 relating to health and long-term care access as specified
144 11 pursuant to chapter 135, division XXIV.
144 12 n. Of the funds appropriated in this subsection,
144 13 \$181,994 shall be used as state matching funds for the health
144 14 information network as enacted by this Act.
144 15 o. Of the funds appropriated in this subsection, \$12,500
144 16 shall be used for continuation of a pilot program established
144 17 through a grant to an organization that has an existing
144 18 program for children and adults and that is solely dedicated
144 19 to preserving sight and preventing blindness to provide vision
144 20 screening to elementary school children in one urban and one
144 21 rural school district in the state, on a voluntary basis, over
144 22 a multiyear period. The grantee organization shall develop
144 23 protocol for participating schools including the grade level
144 24 of the children to be screened, the training and certification
144 25 necessary for individuals conducting the vision screening,
144 26 vision screening equipment requirements, and documentation and
144 27 tracking requirements. Following the conclusion of the pilot
144 28 program, the grantee organization shall report findings and
144 29 recommendations for statewide implementation of the vision
144 30 screening program to the department of public health.
144 31 5. HEALTHY AGING
144 32 To provide public health services that reduce risks and
144 33 invest in promoting and protecting good health over the
144 34 course of a lifetime with a priority given to older Iowans and
144 35 vulnerable populations:



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145 1 \$ 3,668,071
145 2 a. Of the funds appropriated in this subsection, \$1,004,594
145 3 shall be used for local public health nursing services.
145 4 b. Of the funds appropriated in this subsection, \$2,663,477
145 5 shall be used for home care aide services.
145 6 6. ENVIRONMENTAL HAZARDS
145 7 For reducing the public's exposure to hazards in the
145 8 environment, primarily chemical hazards, and for not more than
145 9 the following full-time equivalent positions:
145 10 \$ 406,889
145 11 FTEs 4.00
145 12 Of the funds appropriated in this subsection, \$272,189 shall
145 13 be used for childhood lead poisoning provisions.
145 14 7. INFECTIOUS DISEASES
145 15 For reducing the incidence and prevalence of communicable
145 16 diseases, and for not more than the following full-time
145 17 equivalent positions:
145 18 \$ 672,924
145 19 FTEs 4.00
145 20 8. PUBLIC PROTECTION
145 21 For protecting the health and safety of the public through
145 22 establishing standards and enforcing regulations, and for not
145 23 more than the following full-time equivalent positions:
145 24 \$ 1,389,344
145 25 FTEs 125.00
145 26 a. Of the funds appropriated in this subsection, not more
145 27 than \$212,073 shall be credited to the emergency medical
145 28 services fund created in section 135.25. Moneys in the
145 29 emergency medical services fund are appropriated to the
145 30 department to be used for the purposes of the fund.
145 31 b. Of the funds appropriated in this subsection, \$105,310
145 32 shall be used for sexual violence prevention programming
145 33 through a statewide organization representing programs serving
145 34 victims of sexual violence through the department's sexual
145 35 violence prevention program. The amount allocated in this



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146 1 lettered paragraph shall not be used to supplant funding
146 2 administered for other sexual violence prevention or victims
146 3 assistance programs.
146 4 c. Of the funds appropriated in this subsection, not more
146 5 than \$218,291 shall be used for the state poison control
146 6 center.
146 7 d. Of the funds appropriated in this subsection, \$25,000
146 8 shall be used for education, testing, training, and other costs
146 9 to conform the requirements for certification of emergency
146 10 medical care providers with national standards.
146 11 9. RESOURCE MANAGEMENT
146 12 For establishing and sustaining the overall ability of the
146 13 department to deliver services to the public, and for not more
146 14 than the following full-time equivalent positions:
146 15 \$ 409,777
146 16 FTEs 7.00
146 17 The university of Iowa hospitals and clinics under the
146 18 control of the state board of regents shall not receive
146 19 indirect costs from the funds appropriated in this section.
146 20 The university of Iowa hospitals and clinics billings to the
146 21 department shall be on at least a quarterly basis.
146 22 DIVISION XVII
146 23 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2012=2013
146 24 Sec. 130. DEPARTMENT OF VETERANS AFFAIRS. There is
146 25 appropriated from the general fund of the state to the
146 26 department of veterans affairs for the fiscal year beginning
146 27 July 1, 2012, and ending June 30, 2013, the following amounts,
146 28 or so much thereof as is necessary, to be used for the purposes
146 29 designated:
146 30 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
146 31 For salaries, support, maintenance, and miscellaneous
146 32 purposes, including the war orphans educational assistance fund
146 33 created in section 35.8, and for not more than the following
146 34 full-time equivalent positions:
146 35 \$ 499,416



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147 1 FTEs 16.34
147 2 2. IOWA VETERANS HOME
147 3 For salaries, support, maintenance, and miscellaneous
147 4 purposes:
147 5 \$ 4,476,076
147 6 a. The Iowa veterans home billings involving the department
147 7 of human services shall be submitted to the department on at
147 8 least a monthly basis.
147 9 b. If there is a change in the employer of employees
147 10 providing services at the Iowa veterans home under a collective
147 11 bargaining agreement, such employees and the agreement shall
147 12 be continued by the successor employer as though there had not
147 13 been a change in employer.
147 14 c. Within available resources and in conformance with
147 15 associated state and federal program eligibility requirements,
147 16 the Iowa veterans home may implement measures to provide
147 17 financial assistance to or on behalf of veterans or their
147 18 spouses participating in the community reentry program.
147 19 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF DECEASED
147 20 VETERANS
147 21 For provision of educational assistance pursuant to section
147 22 35.9:
147 23 \$ 6,208
147 24 Sec. 131. LIMITATION OF COUNTY COMMISSION OF VETERANS
147 25 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
147 26 standing appropriation in the following designated section for
147 27 the fiscal year beginning July 1, 2012, and ending June 30,
147 28 2013, the amounts appropriated from the general fund of the
147 29 state pursuant to that section for the following designated
147 30 purposes shall not exceed the following amount:
147 31 For the county commissions of veterans affairs fund under
147 32 section 35A.16:
147 33 \$ 495,000
147 34 DIVISION XVIII
147 35 DEPARTMENT OF HUMAN SERVICES ==== FY 2012=2013



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148 1 Sec. 132. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
148 2 GRANT. There is appropriated from the fund created in section
148 3 8.41 to the department of human services for the fiscal year
148 4 beginning July 1, 2012, and ending June 30, 2013, from moneys
148 5 received under the federal temporary assistance for needy
148 6 families (TANF) block grant pursuant to the federal Personal
148 7 Responsibility and Work Opportunity Reconciliation Act of 1996,
148 8 Pub. L. No. 104=193, and successor legislation, and from moneys
148 9 received under the emergency contingency fund for temporary
148 10 assistance for needy families state program established
148 11 pursuant to the federal American Recovery and Reinvestment Act
148 12 of 2009, Pub. L. No. 111=5 { 2101, and successor legislation,
148 13 the following amounts, or so much thereof as is necessary, to
148 14 be used for the purposes designated:
148 15 1. To be credited to the family investment program account
148 16 and used for assistance under the family investment program
148 17 under chapter 239B:
148 18 \$ 10,750,369
148 19 2. To be credited to the family investment program account
148 20 and used for the job opportunities and basic skills (JOBS)
148 21 program and implementing family investment agreements in
148 22 accordance with chapter 239B:
148 23 \$ 6,205,764
148 24 3. To be used for the family development and
148 25 self=sufficiency grant program in accordance with section
148 26 216A.107:
148 27 \$ 1,449,490
148 28 Notwithstanding section 8.33, moneys appropriated in this
148 29 subsection that remain unencumbered or unobligated at the close
148 30 of the fiscal year shall not revert but shall remain available
148 31 for expenditure for the purposes designated until the close of
148 32 the succeeding fiscal year. However, unless such moneys are
148 33 encumbered or obligated on or before September 30, 2013, the
148 34 moneys shall revert.
148 35 4. For field operations:



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149 1 \$ 15,648,116
149 2 5. For general administration:
149 3 \$ 1,872,000
149 4 6. For state child care assistance:
149 5 \$ 8,191,344
149 6 The funds appropriated in this subsection shall be
149 7 transferred to the child care and development block grant
149 8 appropriation made by the Eighty=fourth General Assembly, 2012
149 9 Session, for the federal fiscal year beginning October 1,
149 10 2012, and ending September 30, 2013. Of this amount, \$100,000
149 11 shall be used for provision of educational opportunities to
149 12 registered child care home providers in order to improve
149 13 services and programs offered by this category of providers
149 14 and to increase the number of providers. The department may
149 15 contract with institutions of higher education or child care
149 16 resource and referral centers to provide the educational
149 17 opportunities. Allowable administrative costs under the
149 18 contracts shall not exceed 5 percent. The application for a
149 19 grant shall not exceed two pages in length.
149 20 7. For mental health and developmental disabilities
149 21 community services:
149 22 \$ 2,447,026
149 23 8. For child and family services:
149 24 \$ 16,042,215
149 25 9. For child abuse prevention grants:
149 26 \$ 62,500
149 27 10. For pregnancy prevention grants on the condition that
149 28 family planning services are funded:
149 29 \$ 965,034
149 30 Pregnancy prevention grants shall be awarded to programs
149 31 in existence on or before July 1, 2012, if the programs are
149 32 comprehensive in scope and have demonstrated positive outcomes.
149 33 Grants shall be awarded to pregnancy prevention programs
149 34 which are developed after July 1, 2012, if the programs are
149 35 comprehensive in scope and are based on existing models that



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150 1 have demonstrated positive outcomes. Grants shall comply with
150 2 the requirements provided in 1997 Iowa Acts, chapter 208,
150 3 section 14, subsections 1 and 2, including the requirement that
150 4 grant programs must emphasize sexual abstinence. Priority in
150 5 the awarding of grants shall be given to programs that serve
150 6 areas of the state which demonstrate the highest percentage of
150 7 unplanned pregnancies of females of childbearing age within the
150 8 geographic area to be served by the grant.

150 9 11. For technology needs and other resources necessary
150 10 to meet federal welfare reform reporting, tracking, and case
150 11 management requirements:

150 12 \$ 518,593

150 13 12. To be credited to the state child care assistance
150 14 appropriation made in this section to be used for funding of
150 15 community-based early childhood programs targeted to children
150 16 from birth through five years of age developed by early
150 17 childhood Iowa areas as provided in section 256I.11:

150 18 \$ 3,175,000

150 19 The department shall transfer TANF block grant funding
150 20 appropriated and allocated in this subsection to the child care
150 21 and development block grant appropriation in accordance with
150 22 federal law as necessary to comply with the provisions of this
150 23 subsection.

150 24 13. a. Notwithstanding any provision to the contrary,
150 25 including but not limited to requirements in section 8.41 or
150 26 provisions in 2011 or 2012 Iowa Acts regarding the receipt
150 27 and appropriation of federal block grants, federal funds
150 28 from the emergency contingency fund for temporary assistance
150 29 for needy families state program established pursuant to the
150 30 federal American Recovery and Reinvestment Act of 2009, Pub.
150 31 L. No. 111=5 { 2101, received by the state during the fiscal
150 32 year beginning July 1, 2011, and ending June 30, 2012, not
150 33 otherwise appropriated in this section and remaining available
150 34 as of July 1, 2012, and received by the state during the fiscal
150 35 year beginning July 1, 2012, and ending June 30, 2013, are



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151 1 appropriated to the extent as may be necessary to be used in
151 2 the following priority order: the family investment program
151 3 for the fiscal year and for state child care assistance program
151 4 payments for individuals enrolled in the family investment
151 5 program who are employed. The federal funds appropriated in
151 6 this paragraph "a" shall be expended only after all other
151 7 funds appropriated in subsection 1 for the assistance under
151 8 the family investment program under chapter 239B have been
151 9 expended.

151 10 b. The department shall, on a quarterly basis, advise the
151 11 legislative services agency and department of management of
151 12 the amount of funds appropriated in this subsection that was
151 13 expended in the prior quarter.

151 14 14. Of the amounts appropriated in this section,
151 15 \$6,481,004 for the fiscal year beginning July 1, 2012, shall be
151 16 transferred to the appropriation of the federal social services
151 17 block grant made for that fiscal year.

151 18 15. For continuation of the program allowing the department
151 19 to maintain categorical eligibility for the food assistance
151 20 program as required under the section of this division relating
151 21 to the family investment account:

151 22 \$ 73,036

151 23 16. The department may transfer funds allocated in this
151 24 section to the appropriations made in this Act for general
151 25 administration and field operations for resources necessary to
151 26 implement and operate the services referred to in this section
151 27 and those funded in the appropriation made in this division of
151 28 this Act for the family investment program from the general
151 29 fund of the state.

151 30 Sec. 133. FAMILY INVESTMENT PROGRAM ACCOUNT.

151 31 1. Moneys credited to the family investment program (FIP)
151 32 account for the fiscal year beginning July 1, 2012, and
151 33 ending June 30, 2013, shall be used to provide assistance in
151 34 accordance with chapter 239B.

151 35 2. The department may use a portion of the moneys credited



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152 1 to the FIP account under this section as necessary for
152 2 salaries, support, maintenance, and miscellaneous purposes.
152 3 3. The department may transfer funds allocated in
152 4 this section to the appropriations in this Act for general
152 5 administration and field operations for resources necessary to
152 6 implement and operate the services referred to in this section
152 7 and those funded in the appropriation made in this division of
152 8 this Act for the family investment program from the general
152 9 fund of the state.
152 10 4. Moneys appropriated in this division of this Act and
152 11 credited to the FIP account for the fiscal year beginning July
152 12 1, 2012, and ending June 30, 2013, are allocated as follows:
152 13 a. To be retained by the department of human services to
152 14 be used for coordinating with the department of human rights
152 15 to more effectively serve participants in the FIP program and
152 16 other shared clients and to meet federal reporting requirements
152 17 under the federal temporary assistance for needy families block
152 18 grant:
152 19 \$ 10,000
152 20 b. To the department of human rights for staffing,
152 21 administration, and implementation of the family development
152 22 and self=sufficiency grant program in accordance with section
152 23 216A.107:
152 24 \$ 2,671,417
152 25 (1) Of the funds allocated for the family development and
152 26 self=sufficiency grant program in this lettered paragraph,
152 27 not more than 5 percent of the funds shall be used for the
152 28 administration of the grant program.
152 29 (2) The department of human rights may continue to implement
152 30 the family development and self=sufficiency grant program
152 31 statewide during fiscal year 2012=2013.
152 32 c. For the diversion subaccount of the FIP account:
152 33 \$ 849,200
152 34 A portion of the moneys allocated for the subaccount may
152 35 be used for field operations salaries, data management system



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153 1 development, and implementation costs and support deemed
153 2 necessary by the director of human services in order to
153 3 administer the FIP diversion program.
153 4 d. For the food stamp employment and training program:
153 5 \$ 33,294
153 6 (1) The department shall amend the food stamp employment and
153 7 training state plan in order to maximize to the fullest extent
153 8 permitted by federal law the use of the 50=50 match provisions
153 9 for the claiming of allowable federal matching funds from the
153 10 United States department of agriculture pursuant to the federal
153 11 food stamp employment and training program for providing
153 12 education, employment, and training services for eligible food
153 13 assistance program participants, including but not limited to
153 14 related dependent care and transportation expenses.
153 15 (2) The department shall continue the categorical federal
153 16 food assistance program eligibility at 160 percent of the
153 17 federal poverty level and continue to eliminate the asset test
153 18 from eligibility requirements, consistent with federal food
153 19 assistance program requirements. The department shall include
153 20 as many food assistance households as is allowed by federal
153 21 law. The eligibility provisions shall conform to all federal
153 22 requirements including requirements addressing individuals who
153 23 are incarcerated or otherwise ineligible.
153 24 e. For the JOBS program:
153 25 \$ 10,117,953
153 26 5. Of the child support collections assigned under FIP,
153 27 an amount equal to the federal share of support collections
153 28 shall be credited to the child support recovery appropriation
153 29 made in this division of this Act. Of the remainder of the
153 30 assigned child support collections received by the child
153 31 support recovery unit, a portion shall be credited to the FIP
153 32 account, a portion may be used to increase recoveries, and a
153 33 portion may be used to sustain cash flow in the child support
153 34 payments account. If as a consequence of the appropriations
153 35 and allocations made in this section the resulting amounts



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154 1 are insufficient to sustain cash assistance payments and meet
154 2 federal maintenance of effort requirements, the department
154 3 shall seek supplemental funding. If child support collections
154 4 assigned under FIP are greater than estimated or are otherwise
154 5 determined not to be required for maintenance of effort, the
154 6 state share of either amount may be transferred to or retained
154 7 in the child support payment account.
154 8 6. The department may adopt emergency rules for the family
154 9 investment, JOBS, food stamp, and medical assistance programs
154 10 if necessary to comply with federal requirements.
154 11 Sec. 134. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
154 12 is appropriated from the general fund of the state to the
154 13 department of human services for the fiscal year beginning July
154 14 1, 2012, and ending June 30, 2013, the following amount, or
154 15 so much thereof as is necessary, to be used for the purpose
154 16 designated:
154 17 To be credited to the family investment program (FIP)
154 18 account and used for family investment program assistance under
154 19 chapter 239B:
154 20 \$ 25,085,514
154 21 1. Of the funds appropriated in this section, \$3,912,189 is
154 22 allocated for the JOBS program.
154 23 2. Of the funds appropriated in this section, \$1,231,927 is
154 24 allocated for the family development and self-sufficiency grant
154 25 program.
154 26 3. Notwithstanding section 8.39, for the fiscal year
154 27 beginning July 1, 2012, if necessary to meet federal
154 28 maintenance of effort requirements or to transfer federal
154 29 temporary assistance for needy families block grant funding
154 30 to be used for purposes of the federal social services block
154 31 grant or to meet cash flow needs resulting from delays in
154 32 receiving federal funding or to implement, in accordance with
154 33 this division of this Act, activities currently funded with
154 34 juvenile court services, county, or community moneys and state
154 35 moneys used in combination with such moneys, the department



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155 1 of human services may transfer funds within or between any
155 2 of the appropriations made in this division of this Act and
155 3 appropriations in law for the federal social services block
155 4 grant to the department for the following purposes, provided
155 5 that the combined amount of state and federal temporary
155 6 assistance for needy families block grant funding for each
155 7 appropriation remains the same before and after the transfer:
155 8 a. For the family investment program.
155 9 b. For child care assistance.
155 10 c. For child and family services.
155 11 d. For field operations.
155 12 e. For general administration.
155 13 f. MH/MR/DD/BI community services (local purchase).
155 14 This subsection shall not be construed to prohibit the use
155 15 of existing state transfer authority for other purposes. The
155 16 department shall report any transfers made pursuant to this
155 17 subsection to the legislative services agency.
155 18 4. Of the funds appropriated in this section, \$97,839 shall
155 19 be used for continuation of a grant to an Iowa-based nonprofit
155 20 organization with a history of providing tax preparation
155 21 assistance to low-income Iowans in order to expand the usage of
155 22 the earned income tax credit. The purpose of the grant is to
155 23 supply this assistance to underserved areas of the state.
155 24 Sec. 135. CHILD SUPPORT RECOVERY. There is appropriated
155 25 from the general fund of the state to the department of human
155 26 services for the fiscal year beginning July 1, 2012, and ending
155 27 June 30, 2013, the following amount, or so much thereof as is
155 28 necessary, to be used for the purposes designated:
155 29 For child support recovery, including salaries, support,
155 30 maintenance, and miscellaneous purposes, and for not more than
155 31 the following full-time equivalent positions:
155 32 \$ 6,559,628
155 33 FTEs 475.00
155 34 1. The department shall expend up to \$12,165, including
155 35 federal financial participation, for the fiscal year beginning



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156 1 July 1, 2012, for a child support public awareness campaign.
156 2 The department and the office of the attorney general shall
156 3 cooperate in continuation of the campaign. The public
156 4 awareness campaign shall emphasize, through a variety of
156 5 media activities, the importance of maximum involvement of
156 6 both parents in the lives of their children as well as the
156 7 importance of payment of child support obligations.
156 8 2. Federal access and visitation grant moneys shall be
156 9 issued directly to private not-for-profit agencies that provide
156 10 services designed to increase compliance with the child access
156 11 provisions of court orders, including but not limited to
156 12 neutral visitation sites and mediation services.
156 13 3. The appropriation made to the department for child
156 14 support recovery may be used throughout the fiscal year in the
156 15 manner necessary for purposes of cash flow management, and for
156 16 cash flow management purposes the department may temporarily
156 17 draw more than the amount appropriated, provided the amount
156 18 appropriated is not exceeded at the close of the fiscal year.
156 19 4. With the exception of the funding amount specified, the
156 20 requirements established under 2001 Iowa Acts, chapter 191,
156 21 section 3, subsection 5, paragraph "c", subparagraph (3), shall
156 22 be applicable to parental obligation pilot projects for the
156 23 fiscal year beginning July 1, 2012, and ending June 30, 2013.
156 24 Notwithstanding 441 IAC 100.8, providing for termination of
156 25 rules relating to the pilot projects, the rules shall remain
156 26 in effect until June 30, 2013.
156 27 Sec. 136. HEALTH CARE TRUST FUND ==== MEDICAL ASSISTANCE. Any
156 28 funds remaining in the health care trust fund created in
156 29 section 453A.35A for the fiscal year beginning July 1, 2012,
156 30 and ending June 30, 2013, are appropriated to the department
156 31 of human services to supplement the medical assistance program
156 32 appropriations made in this Act, for medical assistance
156 33 reimbursement and associated costs, including program
156 34 administration and costs associated with implementation.
156 35 Sec. 137. MEDICAL ASSISTANCE. There is appropriated from



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157 1 the general fund of the state to the department of human
157 2 services for the fiscal year beginning July 1, 2012, and ending
157 3 June 30, 2013, the following amount, or so much thereof as is
157 4 necessary, to be used for the purpose designated:
157 5 For medical assistance reimbursement and associated costs
157 6 as specifically provided in the reimbursement methodologies
157 7 in effect on June 30, 2012, except as otherwise expressly
157 8 authorized by law, including reimbursement for abortion
157 9 services which shall be available under the medical assistance
157 10 program only for those abortions which are medically necessary:
157 11 \$897,816,915
157 12 1. Medically necessary abortions are those performed under
157 13 any of the following conditions:
157 14 a. The attending physician certifies that continuing the
157 15 pregnancy would endanger the life of the pregnant woman.
157 16 b. The attending physician certifies that the fetus is
157 17 physically deformed, mentally deficient, or afflicted with a
157 18 congenital illness.
157 19 c. The pregnancy is the result of a rape which is reported
157 20 within 45 days of the incident to a law enforcement agency or
157 21 public or private health agency which may include a family
157 22 physician.
157 23 d. The pregnancy is the result of incest which is reported
157 24 within 150 days of the incident to a law enforcement agency
157 25 or public or private health agency which may include a family
157 26 physician.
157 27 e. Any spontaneous abortion, commonly known as a
157 28 miscarriage, if not all of the products of conception are
157 29 expelled.
157 30 2. The department shall utilize not more than \$60,000 of
157 31 the funds appropriated in this section to continue the AIDS/HIV
157 32 health insurance premium payment program as established in 1992
157 33 Iowa Acts, Second Extraordinary Session, chapter 1001, section
157 34 409, subsection 6. Of the funds allocated in this subsection,
157 35 not more than \$5,000 may be expended for administrative



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158 1 purposes.

158 2 3. Of the funds appropriated in this Act to the department
158 3 of public health for addictive disorders, \$950,000 for the
158 4 fiscal year beginning July 1, 2012, shall be transferred to
158 5 the department of human services for an integrated substance
158 6 abuse managed care system. The department shall not assume
158 7 management of the substance abuse system in place of the
158 8 managed care contractor unless such a change in approach is
158 9 specifically authorized in law. The departments of human
158 10 services and public health shall work together to maintain
158 11 the level of mental health and substance abuse services
158 12 provided by the managed care contractor through the Iowa plan
158 13 for behavioral health. Each department shall take the steps
158 14 necessary to continue the federal waivers as necessary to
158 15 maintain the level of services.

158 16 4. a. The department shall aggressively pursue options for
158 17 providing medical assistance or other assistance to individuals
158 18 with special needs who become ineligible to continue receiving
158 19 services under the early and periodic screening, diagnostic,
158 20 and treatment program under the medical assistance program
158 21 due to becoming 21 years of age who have been approved for
158 22 additional assistance through the department's exception to
158 23 policy provisions, but who have health care needs in excess
158 24 of the funding available through the exception to policy
158 25 provisions.

158 26 b. Of the funds appropriated in this section, \$100,000
158 27 shall be used for participation in one or more pilot projects
158 28 operated by a private provider to allow the individual or
158 29 individuals to receive service in the community in accordance
158 30 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
158 31 (1999), for the purpose of providing medical assistance or
158 32 other assistance to individuals with special needs who become
158 33 ineligible to continue receiving services under the early and
158 34 periodic screening, diagnosis, and treatment program under
158 35 the medical assistance program due to becoming 21 years of



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159 1 age who have been approved for additional assistance through
159 2 the department's exception to policy provisions, but who have
159 3 health care needs in excess of the funding available through
159 4 the exception to the policy provisions.
159 5 5. Of the funds appropriated in this section, up to
159 6 \$3,050,082 may be transferred to the field operations
159 7 or general administration appropriations in this Act for
159 8 operational costs associated with Part D of the federal
159 9 Medicare Prescription Drug Improvement and Modernization Act
159 10 of 2003, Pub. L. No. 108=173.
159 11 6. Of the funds appropriated in this section, up to \$442,100
159 12 may be transferred to the appropriation in this Act for medical
159 13 contracts to be used for clinical assessment services and prior
159 14 authorization of services.
159 15 7. A portion of the funds appropriated in this section
159 16 may be transferred to the appropriations in this division of
159 17 this Act for general administration, medical contracts, the
159 18 children's health insurance program, or field operations to be
159 19 used for the state match cost to comply with the payment error
159 20 rate measurement (PERM) program for both the medical assistance
159 21 and children's health insurance programs as developed by the
159 22 centers for Medicare and Medicaid services of the United States
159 23 department of health and human services to comply with the
159 24 federal Improper Payments Information Act of 2002, Pub. L. No.
159 25 107=300.
159 26 8. It is the intent of the general assembly that the
159 27 department continue to implement the recommendations of
159 28 the assuring better child health and development initiative
159 29 II (ABCDII) clinical panel to the Iowa early and periodic
159 30 screening, diagnostic, and treatment services healthy mental
159 31 development collaborative board regarding changes to billing
159 32 procedures, codes, and eligible service providers.
159 33 9. Of the funds appropriated in this section, a sufficient
159 34 amount is allocated to supplement the incomes of residents of
159 35 nursing facilities, intermediate care facilities for persons



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160 1 with mental illness, and intermediate care facilities for
160 2 persons with mental retardation, with incomes of less than \$50
160 3 in the amount necessary for the residents to receive a personal
160 4 needs allowance of \$50 per month pursuant to section 249A.30A.
160 5 10. Of the funds appropriated in this section, the following
160 6 amounts shall be transferred to the appropriations made in this
160 7 division of this Act for the state mental health institutes:
160 8 a. Cherokee mental health institute \$ 9,098,425
160 9 b. Clarinda mental health institute \$ 1,977,305
160 10 c. Independence mental health institute \$ 9,045,894
160 11 d. Mount Pleasant mental health institute \$ 5,752,587
160 12 11. a. Of the funds appropriated in this section,
160 13 \$7,425,684 is allocated for the state match for a
160 14 disproportionate share hospital payment of \$19,133,430 to
160 15 hospitals that meet both of the conditions specified in
160 16 subparagraphs (1) and (2). In addition, the hospitals that
160 17 meet the conditions specified shall either certify public
160 18 expenditures or transfer to the medical assistance program
160 19 an amount equal to provide the nonfederal share for a
160 20 disproportionate share hospital payment of \$7,500,000. The
160 21 hospitals that meet the conditions specified shall receive and
160 22 retain 100 percent of the total disproportionate share hospital
160 23 payment of \$26,633,430.
160 24 (1) The hospital qualifies for disproportionate share and
160 25 graduate medical education payments.
160 26 (2) The hospital is an Iowa state-owned hospital with more
160 27 than 500 beds and eight or more distinct residency specialty
160 28 or subspecialty programs recognized by the American college of
160 29 graduate medical education.
160 30 b. Distribution of the disproportionate share payments
160 31 shall be made on a monthly basis. The total amount of
160 32 disproportionate share payments including graduate medical
160 33 education, enhanced disproportionate share, and Iowa
160 34 state-owned teaching hospital payments shall not exceed the
160 35 amount of the state's allotment under Pub. L. No. 102=234.



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161 1 In addition, the total amount of all disproportionate
161 2 share payments shall not exceed the hospital-specific
161 3 disproportionate share limits under Pub. L. No. 103=66.
161 4 12. The university of Iowa hospitals and clinics shall
161 5 either certify public expenditures or transfer to the medical
161 6 assistance appropriation an amount equal to provide the
161 7 nonfederal share for increased medical assistance payments for
161 8 inpatient and outpatient hospital services of \$9,900,000. The
161 9 university of Iowa hospitals and clinics shall receive and
161 10 retain 100 percent of the total increase in medical assistance
161 11 payments.
161 12 13. Of the funds appropriated in this section, up to
161 13 \$4,480,304 may be transferred to the IowaCare account created
161 14 in section 249J.24.
161 15 14. Of the funds appropriated in this section, \$200,000
161 16 shall be used for the Iowa chronic care consortium pursuant to
161 17 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
161 18 Iowa Acts, chapter 179, sections 166 and 167.
161 19 15. One hundred percent of the nonfederal share of payments
161 20 to area education agencies that are medical assistance
161 21 providers for medical assistance-covered services provided to
161 22 medical assistance-covered children, shall be made from the
161 23 appropriation made in this section.
161 24 16. Any new or renewed contract entered into by the
161 25 department with a third party to administer behavioral health
161 26 services under the medical assistance program shall provide
161 27 that any interest earned on payments from the state during
161 28 the state fiscal year shall be remitted to the department
161 29 and treated as recoveries to offset the costs of the medical
161 30 assistance program.
161 31 17. The department shall continue to implement the
161 32 provisions in 2007 Iowa Acts, chapter 218, section 124 and
161 33 section 126, as amended by 2008 Iowa Acts, chapter 1188,
161 34 section 55, relating to eligibility for certain persons with
161 35 disabilities under the medical assistance program in accordance



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162 1 with the federal family opportunity Act.

162 2 18. A portion of the funds appropriated in this section
162 3 may be transferred to the appropriation in this division of
162 4 this Act for medical contracts to be used for administrative
162 5 activities associated with the money follows the person
162 6 demonstration project.

162 7 19. Of the funds appropriated in this section, \$349,011
162 8 shall be used for the administration of the health insurance
162 9 premium payment program, including salaries, support,
162 10 maintenance, and miscellaneous purposes for the fiscal year
162 11 beginning July 1, 2012.

162 12 20. a. The department may continue to implement cost
162 13 containment strategies recommended by the governor, and may
162 14 adopt emergency rules for such implementation.

162 15 b. The department shall not implement the cost containment
162 16 strategy to require a primary care referral for the provision
162 17 of chiropractic services.

162 18 c. The department may increase the amounts allocated for
162 19 salaries, support, maintenance, and miscellaneous purposes
162 20 associated with the medical assistance program, as necessary,
162 21 to implement the cost containment strategies. The department
162 22 shall report any such increase to the legislative services
162 23 agency and the department of management.

162 24 d. If the savings to the medical assistance program exceed
162 25 the cost, the department may transfer any savings generated
162 26 for the fiscal year due to medical assistance program cost
162 27 containment efforts initiated pursuant to 2010 Iowa Acts,
162 28 chapter 1031, Executive Order No. 20, issued December 16, 2009,
162 29 or cost containment strategies initiated pursuant to this
162 30 subsection, to the appropriation made in this division of this
162 31 Act for medical contracts or general administration to defray
162 32 the increased contract costs associated with implementing such
162 33 efforts.

162 34 e. The department shall report the implementation of
162 35 any cost containment strategies under this subsection to



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163 1 the individuals specified in this division of this Act for
163 2 submission of reports on a quarterly basis.
163 3 21. Notwithstanding any provision of law to the contrary,
163 4 the department of human services shall continue implementation
163 5 of the amended section 1915(b) waiver and Iowa plan contract
163 6 for inclusion of remedial services under the Iowa plan contract
163 7 for the fiscal year beginning July 1, 2012.
163 8 22. Of the funds appropriated in this section, \$5,000,000
163 9 shall be used to continue reductions in the waiting lists
163 10 of the medical assistance home and community-based services
163 11 waivers, including the waiver for persons with intellectual
163 12 disabilities for which the nonfederal share is paid as
163 13 state case services and other support pursuant to section
163 14 331.440. The department shall distribute the funding allocated
163 15 under this subsection proportionately among all home and
163 16 community-based services waivers.
163 17 Sec. 138. MEDICAL CONTRACTS. There is appropriated from the
163 18 general fund of the state to the department of human services
163 19 for the fiscal year beginning July 1, 2012, and ending June 30,
163 20 2013, the following amount, or so much thereof as is necessary,
163 21 to be used for the purpose designated:
163 22 For medical contracts:
163 23 \$ 4,946,922
163 24 1. The department of inspections and appeals shall
163 25 provide all state matching funds for survey and certification
163 26 activities performed by the department of inspections
163 27 and appeals. The department of human services is solely
163 28 responsible for distributing the federal matching funds for
163 29 such activities.
163 30 2. Of the funds appropriated in this section, \$75,000
163 31 shall be used for continued implementation of a uniform cost
163 32 report to be used in the development of specified Medicaid
163 33 reimbursement rates over a multiyear timeframe as specified in
163 34 this Act for FY 2011=2012.
163 35 3. a. Of the funds appropriated in this section,



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164 1 \$50,000 shall be used for continued implementation of an
164 2 electronic medical record system, including system purchase or
164 3 development, for home and community-based services providers
164 4 and mental health services providers that comply with the
164 5 requirements of federal and state laws and regulation by the
164 6 fiscal year beginning July 1, 2013.
164 7 b. Notwithstanding section 8.33, funds allocated in this
164 8 subsection that remain unencumbered or unobligated at the close
164 9 of the fiscal year shall not revert but shall remain available
164 10 in succeeding fiscal years to be used for the purposes
164 11 designated.
164 12 4. Of the amount appropriated in this section, \$175,000
164 13 shall be used for technology upgrades necessary to support
164 14 Medicaid claims and other health operations, worldwide federal
164 15 Health Insurance Portability and Accountability Act of 1996
164 16 (HIPAA) claims, transactions, and coding requirements, and the
164 17 Iowa automated benefits calculation system. Notwithstanding
164 18 section 8.33, funds allocated in this subsection that remain
164 19 unencumbered or unobligated at the close of the fiscal year
164 20 shall not revert but shall remain available in succeeding
164 21 fiscal years to be used for the purposes designated.
164 22 5. Of the funds appropriated in this section, \$50,000
164 23 shall be used for the continuation of an accountable care
164 24 organization pilot project as specified in this Act relating to
164 25 prior appropriations and related changes for FY 2011=2012.
164 26 6. Of the funds appropriated in this section, \$100,000
164 27 shall be used for the continued development of a provider
164 28 payment system plan to provide recommendations to reform the
164 29 health care provider payment system as an effective way to
164 30 promote coordination of care, lower costs, and improve quality
164 31 as specified in the division of this Act relating to cost
164 32 containment for FY 2011=2012.
164 33 7. Of the funds appropriated in this section, \$10,000 shall
164 34 be used for the continued development of a plan to establish
164 35 an all-payer claims database to provide for the collection



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165 1 and analysis of claims data from multiple payers of health
165 2 care as specified in the division of this Act relating to cost
165 3 containment for FY 2011=2012.
165 4 8. Of the funds appropriated in this section, \$25,000 shall
165 5 be used for continuation of home and community-based services
165 6 waiver quality assurance programs, including the review and
165 7 streamlining of processes and policies related to oversight and
165 8 quality management to meet state and federal requirements.
165 9 Sec. 139. STATE SUPPLEMENTARY ASSISTANCE.
165 10 1. There is appropriated from the general fund of the
165 11 state to the department of human services for the fiscal year
165 12 beginning July 1, 2012, and ending June 30, 2013, the following
165 13 amount, or so much thereof as is necessary, to be used for the
165 14 purpose designated:
165 15 For the state supplementary assistance program:
165 16 \$ 8,425,374
165 17 2. The department shall increase the personal needs
165 18 allowance for residents of residential care facilities by the
165 19 same percentage and at the same time as federal supplemental
165 20 security income and federal social security benefits are
165 21 increased due to a recognized increase in the cost of living.
165 22 The department may adopt emergency rules to implement this
165 23 subsection.
165 24 3. If during the fiscal year beginning July 1, 2012,
165 25 the department projects that state supplementary assistance
165 26 expenditures for a calendar year will not meet the federal
165 27 pass-through requirement specified in Tit. XVI of the federal
165 28 Social Security Act, section 1618, as codified in 42 U.S.C.
165 29 { 1382g, the department may take actions including but not
165 30 limited to increasing the personal needs allowance for
165 31 residential care facility residents and making programmatic
165 32 adjustments or upward adjustments of the residential care
165 33 facility or in-home health-related care reimbursement rates
165 34 prescribed in this division of this Act to ensure that federal
165 35 requirements are met. In addition, the department may make



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166 1 other programmatic and rate adjustments necessary to remain
166 2 within the amount appropriated in this section while ensuring
166 3 compliance with federal requirements. The department may adopt
166 4 emergency rules to implement the provisions of this subsection.

166 5 Sec. 140. CHILDREN'S HEALTH INSURANCE PROGRAM.

166 6 1. There is appropriated from the general fund of the
166 7 state to the department of human services for the fiscal year
166 8 beginning July 1, 2012, and ending June 30, 2013, the following
166 9 amount, or so much thereof as is necessary, to be used for the
166 10 purpose designated:

166 11 For maintenance of the healthy and well kids in Iowa (hawk=i)
166 12 program pursuant to chapter 514I, including supplemental dental
166 13 services, for receipt of federal financial participation under
166 14 Tit. XXI of the federal Social Security Act, which creates the
166 15 children's health insurance program:

166 16 \$ 16,403,051

166 17 2. Of the funds appropriated in this section, \$64,475 is
166 18 allocated for continuation of the contract for advertising and
166 19 outreach with the department of public health.

166 20 Sec. 141. CHILD CARE ASSISTANCE. There is appropriated
166 21 from the general fund of the state to the department of human
166 22 services for the fiscal year beginning July 1, 2012, and ending
166 23 June 30, 2013, the following amount, or so much thereof as is
166 24 necessary, to be used for the purpose designated:

166 25 For child care programs:

166 26 \$ 27,632,755

166 27 1. Of the funds appropriated in this section, \$26,948,041
166 28 shall be used for state child care assistance in accordance
166 29 with section 237A.13.

166 30 2. Nothing in this section shall be construed or is
166 31 intended as or shall imply a grant of entitlement for services
166 32 to persons who are eligible for assistance due to an income
166 33 level consistent with the waiting list requirements of section
166 34 237A.13. Any state obligation to provide services pursuant to
166 35 this section is limited to the extent of the funds appropriated



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167 1 in this section.

167 2 3. Of the funds appropriated in this section, \$216,227 is
167 3 allocated for the statewide program for child care resource
167 4 and referral services under section 237A.26. A list of the
167 5 registered and licensed child care facilities operating in the
167 6 area served by a child care resource and referral service shall
167 7 be made available to the families receiving state child care
167 8 assistance in that area.

167 9 4. Of the funds appropriated in this section, \$468,487
167 10 is allocated for child care quality improvement initiatives
167 11 including but not limited to the voluntary quality rating
167 12 system in accordance with section 237A.30.

167 13 5. The department may use any of the funds appropriated
167 14 in this section as a match to obtain federal funds for use in
167 15 expanding child care assistance and related programs. For
167 16 the purpose of expenditures of state and federal child care
167 17 funding, funds shall be considered obligated at the time
167 18 expenditures are projected or are allocated to the department's
167 19 service areas. Projections shall be based on current and
167 20 projected caseload growth, current and projected provider
167 21 rates, staffing requirements for eligibility determination
167 22 and management of program requirements including data systems
167 23 management, staffing requirements for administration of the
167 24 program, contractual and grant obligations and any transfers
167 25 to other state agencies, and obligations for decategorization
167 26 or innovation projects.

167 27 6. A portion of the state match for the federal child care
167 28 and development block grant shall be provided as necessary to
167 29 meet federal matching funds requirements through the state
167 30 general fund appropriation made for child development grants
167 31 and other programs for at-risk children in section 279.51.

167 32 7. If a uniform reduction ordered by the governor under
167 33 section 8.31 or other operation of law, transfer, or federal
167 34 funding reduction reduces the appropriation made in this
167 35 section for the fiscal year, the percentage reduction in the



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168 1 amount paid out to or on behalf of the families participating
168 2 in the state child care assistance program shall be equal to or
168 3 less than the percentage reduction made for any other purpose
168 4 payable from the appropriation made in this section and the
168 5 federal funding relating to it. The percentage reduction to
168 6 the other allocations made in this section shall be the same as
168 7 the uniform reduction ordered by the governor or the percentage
168 8 change of the federal funding reduction, as applicable.

168 9 If there is an unanticipated increase in federal funding
168 10 provided for state child care assistance, the entire amount
168 11 of the increase shall be used for state child care assistance
168 12 payments. If the appropriations made for purposes of the
168 13 state child care assistance program for the fiscal year are
168 14 determined to be insufficient, it is the intent of the general
168 15 assembly to appropriate sufficient funding for the fiscal year
168 16 in order to avoid establishment of waiting list requirements.

168 17 8. Notwithstanding section 8.33, moneys appropriated in
168 18 this section or received from the federal appropriations made
168 19 for the purposes of this section that remain unencumbered or
168 20 unobligated at the close of the fiscal year shall not revert
168 21 to any fund but shall remain available for expenditure for the
168 22 purposes designated until the close of the succeeding fiscal
168 23 year.

168 24 Sec. 142. JUVENILE INSTITUTIONS. There is appropriated
168 25 from the general fund of the state to the department of human
168 26 services for the fiscal year beginning July 1, 2012, and ending
168 27 June 30, 2013, the following amounts, or so much thereof as is
168 28 necessary, to be used for the purposes designated:

168 29 1. For operation of the Iowa juvenile home at Toledo and for
168 30 salaries, support, maintenance, and miscellaneous purposes, and
168 31 for not more than the following full-time equivalent positions:
168 32 \$ 4,129,126
168 33 FTEs 114.00

168 34 2. For operation of the state training school at Eldora and
168 35 for salaries, support, maintenance, and miscellaneous purposes,



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169 1 and for not more than the following full-time equivalent
169 2 positions:
169 3 \$ 5,319,339
169 4 FTEs 164.30
169 5 Of the funds appropriated in this subsection, \$45,575 shall
169 6 be used for distribution to licensed classroom teachers at this
169 7 and other institutions under the control of the department of
169 8 human services based upon the average student yearly enrollment
169 9 at each institution as determined by the department.
169 10 3. A portion of the moneys appropriated in this section
169 11 shall be used by the state training school and by the Iowa
169 12 juvenile home for grants for adolescent pregnancy prevention
169 13 activities at the institutions in the fiscal year beginning
169 14 July 1, 2012.
169 15 Sec. 143. CHILD AND FAMILY SERVICES.
169 16 1. There is appropriated from the general fund of the
169 17 state to the department of human services for the fiscal year
169 18 beginning July 1, 2012, and ending June 30, 2013, the following
169 19 amount, or so much thereof as is necessary, to be used for the
169 20 purpose designated:
169 21 For child and family services:
169 22 \$ 41,538,668
169 23 2. In order to address a reduction of \$5,200,000 from the
169 24 amount allocated under the appropriation made for the purposes
169 25 of this section in prior years for purposes of juvenile
169 26 delinquent graduated sanction services, up to \$2,600,000 of the
169 27 amount of federal temporary assistance for needy families block
169 28 grant funding appropriated in this division of this Act for
169 29 child and family services shall be made available for purposes
169 30 of juvenile delinquent graduated sanction services.
169 31 3. The department may transfer funds appropriated in this
169 32 section as necessary to pay the nonfederal costs of services
169 33 reimbursed under the medical assistance program, state child
169 34 care assistance program, or the family investment program which
169 35 are provided to children who would otherwise receive services



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170 1 paid under the appropriation in this section. The department
170 2 may transfer funds appropriated in this section to the
170 3 appropriations made in this division of this Act for general
170 4 administration and for field operations for resources necessary
170 5 to implement and operate the services funded in this section.
170 6 4. a. Of the funds appropriated in this section, up to
170 7 \$15,084,565 is allocated as the statewide expenditure target
170 8 under section 232.143 for group foster care maintenance and
170 9 services. If the department projects that such expenditures
170 10 for the fiscal year will be less than the target amount
170 11 allocated in this lettered paragraph, the department may
170 12 reallocate the excess to provide additional funding for shelter
170 13 care or the child welfare emergency services addressed with the
170 14 allocation for shelter care.
170 15 b. If at any time after September 30, 2012, annualization
170 16 of a service area's current expenditures indicates a service
170 17 area is at risk of exceeding its group foster care expenditure
170 18 target under section 232.143 by more than 5 percent, the
170 19 department and juvenile court services shall examine all
170 20 group foster care placements in that service area in order to
170 21 identify those which might be appropriate for termination.
170 22 In addition, any aftercare services believed to be needed
170 23 for the children whose placements may be terminated shall be
170 24 identified. The department and juvenile court services shall
170 25 initiate action to set dispositional review hearings for the
170 26 placements identified. In such a dispositional review hearing,
170 27 the juvenile court shall determine whether needed aftercare
170 28 services are available and whether termination of the placement
170 29 is in the best interest of the child and the community.
170 30 5. In accordance with the provisions of section 232.188,
170 31 the department shall continue the child welfare and juvenile
170 32 justice funding initiative during fiscal year 2012=2013. Of
170 33 the funds appropriated in this section, \$858,877 is allocated
170 34 specifically for expenditure for fiscal year 2012=2013 through
170 35 the decategorization service funding pools and governance



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171 1 boards established pursuant to section 232.188.
171 2 6. A portion of the funds appropriated in this section
171 3 may be used for emergency family assistance to provide other
171 4 resources required for a family participating in a family
171 5 preservation or reunification project or successor project to
171 6 stay together or to be reunified.
171 7 7. Notwithstanding section 234.35 or any other provision
171 8 of law to the contrary, state funding for shelter care and
171 9 the child welfare emergency services contracting implemented
171 10 to provide for or prevent the need for shelter care shall
171 11 be limited to \$3,785,058. The department may continue or
171 12 execute contracts that result from the department's request
171 13 for proposal, bid number ACFS=11=114, to provide the range of
171 14 child welfare emergency services described in the request for
171 15 proposals, and any subsequent amendments to the request for
171 16 proposals.
171 17 8. Federal funds received by the state during the fiscal
171 18 year beginning July 1, 2012, as the result of the expenditure
171 19 of state funds appropriated during a previous state fiscal
171 20 year for a service or activity funded under this section are
171 21 appropriated to the department to be used as additional funding
171 22 for services and purposes provided for under this section.
171 23 Notwithstanding section 8.33, moneys received in accordance
171 24 with this subsection that remain unencumbered or unobligated at
171 25 the close of the fiscal year shall not revert to any fund but
171 26 shall remain available for the purposes designated until the
171 27 close of the succeeding fiscal year.
171 28 9. Of the funds appropriated in this section, at least
171 29 \$1,848,143 shall be used for protective child care assistance.
171 30 10. a. Of the funds appropriated in this section, up to
171 31 \$1,031,244 is allocated for the payment of the expenses of
171 32 court=ordered services provided to juveniles who are under the
171 33 supervision of juvenile court services, which expenses are a
171 34 charge upon the state pursuant to section 232.141, subsection
171 35 4. Of the amount allocated in this lettered paragraph, up



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172 1 to \$778,144 shall be made available to provide school=based
172 2 supervision of children adjudicated under chapter 232, of which
172 3 not more than \$7,500 may be used for the purpose of training.
172 4 A portion of the cost of each school=based liaison officer
172 5 shall be paid by the school district or other funding source as
172 6 approved by the chief juvenile court officer.
172 7 b. Of the funds appropriated in this section, up to \$374,493
172 8 is allocated for the payment of the expenses of court=ordered
172 9 services provided to children who are under the supervision
172 10 of the department, which expenses are a charge upon the state
172 11 pursuant to section 232.141, subsection 4.
172 12 c. Notwithstanding section 232.141 or any other provision
172 13 of law to the contrary, the amounts allocated in this
172 14 subsection shall be distributed to the judicial districts
172 15 as determined by the state court administrator and to the
172 16 department's service areas as determined by the administrator
172 17 of the department's division of child and family services. The
172 18 state court administrator and the division administrator shall
172 19 make the determination of the distribution amounts on or before
172 20 June 15, 2012.
172 21 d. Notwithstanding chapter 232 or any other provision of
172 22 law to the contrary, a district or juvenile court shall not
172 23 order any service which is a charge upon the state pursuant
172 24 to section 232.141 if there are insufficient court=ordered
172 25 services funds available in the district court or departmental
172 26 service area distribution amounts to pay for the service. The
172 27 chief juvenile court officer and the departmental service area
172 28 manager shall encourage use of the funds allocated in this
172 29 subsection such that there are sufficient funds to pay for
172 30 all court=related services during the entire year. The chief
172 31 juvenile court officers and departmental service area managers
172 32 shall attempt to anticipate potential surpluses and shortfalls
172 33 in the distribution amounts and shall cooperatively request the
172 34 state court administrator or division administrator to transfer
172 35 funds between the judicial districts' or departmental service



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173 1 areas' distribution amounts as prudent.
173 2 e. Notwithstanding any provision of law to the contrary,
173 3 a district or juvenile court shall not order a county to pay
173 4 for any service provided to a juvenile pursuant to an order
173 5 entered under chapter 232 which is a charge upon the state
173 6 under section 232.141, subsection 4.
173 7 f. Of the funds allocated in this subsection, not more than
173 8 \$41,500 may be used by the judicial branch for administration
173 9 of the requirements under this subsection.
173 10 g. Of the funds allocated in this subsection, \$8,500
173 11 shall be used by the department of human services to support
173 12 the interstate commission for juveniles in accordance with
173 13 the interstate compact for juveniles as provided in section
173 14 232.173.
173 15 11. Of the funds appropriated in this section, \$2,961,301 is
173 16 allocated for juvenile delinquent graduated sanctions services.
173 17 Any state funds saved as a result of efforts by juvenile court
173 18 services to earn federal Tit. IV=E match for juvenile court
173 19 services administration may be used for the juvenile delinquent
173 20 graduated sanctions services.
173 21 12. Of the funds appropriated in this section, \$494,143
173 22 shall be transferred to the department of public health to
173 23 be used for the child protection center grant program in
173 24 accordance with section 135.118.
173 25 13. If the department receives federal approval to
173 26 implement a waiver under Tit. IV=E of the federal Social
173 27 Security Act to enable providers to serve children who remain
173 28 in the children's families and communities, for purposes of
173 29 eligibility under the medical assistance program, children who
173 30 participate in the waiver shall be considered to be placed in
173 31 foster care.
173 32 14. Of the funds appropriated in this section, \$1,534,916 is
173 33 allocated for the preparation for adult living program pursuant
173 34 to section 234.46.
173 35 15. Of the funds appropriated in this section, \$260,075



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174 1 shall be used for juvenile drug courts. The amount allocated
174 2 in this subsection shall be distributed as follows:
174 3 To the judicial branch for salaries to assist with the
174 4 operation of juvenile drug court programs operated in the
174 5 following jurisdictions:
174 6 a. Marshall county:
174 7 \$ 31,354
174 8 b. Woodbury county:
174 9 \$ 62,841
174 10 c. Polk county:
174 11 \$ 97,946
174 12 d. The third judicial district:
174 13 \$ 33,967
174 14 e. The eighth judicial district:
174 15 \$ 33,967
174 16 16. Of the funds appropriated in this section, \$113,669
174 17 shall be used for the public purpose of providing a grant to
174 18 a nonprofit human services organization providing services to
174 19 individuals and families in multiple locations in southwest
174 20 Iowa and Nebraska for support of a project providing immediate,
174 21 sensitive support and forensic interviews, medical exams, needs
174 22 assessments, and referrals for victims of child abuse and their
174 23 nonoffending family members.
174 24 17. Of the funds appropriated in this section, \$62,795
174 25 is allocated for the elevate approach of providing a support
174 26 network to children placed in foster care.
174 27 18. Of the funds appropriated in this section, \$101,000 is
174 28 allocated for use pursuant to section 235A.1 for continuation
174 29 of the initiative to address child sexual abuse implemented
174 30 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
174 31 21.
174 32 19. Of the funds appropriated in this section, \$315,120 is
174 33 allocated for the community partnership for child protection
174 34 sites.
174 35 20. Of the funds appropriated in this section, \$185,625



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175 1 is allocated for the department's minority youth and family
175 2 projects under the redesign of the child welfare system.
175 3 21. Of the funds appropriated in this section, \$600,248
175 4 is allocated for funding of the state match for the federal
175 5 substance abuse and mental health services administration
175 6 (SAMHSA) system of care grant.
175 7 22. Of the funds appropriated in this section, at least
175 8 \$73,579 shall be used for the child welfare training academy.
175 9 23. Of the funds appropriated in this section, \$12,500
175 10 shall be used for the public purpose of providing a grant to
175 11 a child welfare services provider headquartered in a county
175 12 with a population between 205,000 and 215,000 in the latest
175 13 certified federal census that provides multiple services
175 14 including but not limited to a psychiatric medical institution
175 15 for children, shelter, residential treatment, after school
175 16 programs, school-based programming, and an Asperger's syndrome
175 17 program, to be used for support services for children with
175 18 autism spectrum disorder and their families.
175 19 24. Of the funds appropriated in this section \$128,587 shall
175 20 be used for continuation of the central Iowa system of care
175 21 program grant through June 30, 2013.
175 22 Sec. 144. ADOPTION SUBSIDY.
175 23 1. There is appropriated from the general fund of the
175 24 state to the department of human services for the fiscal year
175 25 beginning July 1, 2012, and ending June 30, 2013, the following
175 26 amount, or so much thereof as is necessary, to be used for the
175 27 purpose designated:
175 28 For adoption subsidy payments and services:
175 29 \$ 17,233,296
175 30 2. The department may transfer funds appropriated in this
175 31 section to the appropriation made in this Act for general
175 32 administration for costs paid from the appropriation relating
175 33 to adoption subsidy.
175 34 3. Federal funds received by the state during the
175 35 fiscal year beginning July 1, 2012, as the result of the



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176 1 expenditure of state funds during a previous state fiscal
176 2 year for a service or activity funded under this section are
176 3 appropriated to the department to be used as additional funding
176 4 for the services and activities funded under this section.
176 5 Notwithstanding section 8.33, moneys received in accordance
176 6 with this subsection that remain unencumbered or unobligated
176 7 at the close of the fiscal year shall not revert to any fund
176 8 but shall remain available for expenditure for the purposes
176 9 designated until the close of the succeeding fiscal year.
176 10 Sec. 145. JUVENILE DETENTION HOME FUND. Moneys deposited
176 11 in the juvenile detention home fund created in section 232.142
176 12 during the fiscal year beginning July 1, 2012, and ending June
176 13 30, 2013, are appropriated to the department of human services
176 14 for the fiscal year beginning July 1, 2012, and ending June 30,
176 15 2013, for distribution of an amount equal to a percentage of
176 16 the costs of the establishment, improvement, operation, and
176 17 maintenance of county or multicounty juvenile detention homes
176 18 in the fiscal year beginning July 1, 2011. Moneys appropriated
176 19 for distribution in accordance with this section shall be
176 20 allocated among eligible detention homes, prorated on the basis
176 21 of an eligible detention home's proportion of the costs of all
176 22 eligible detention homes in the fiscal year beginning July
176 23 1, 2011. The percentage figure shall be determined by the
176 24 department based on the amount available for distribution for
176 25 the fund. Notwithstanding section 232.142, subsection 3, the
176 26 financial aid payable by the state under that provision for the
176 27 fiscal year beginning July 1, 2012, shall be limited to the
176 28 amount appropriated for the purposes of this section.
176 29 Sec. 146. FAMILY SUPPORT SUBSIDY PROGRAM.
176 30 1. There is appropriated from the general fund of the
176 31 state to the department of human services for the fiscal year
176 32 beginning July 1, 2012, and ending June 30, 2013, the following
176 33 amount, or so much thereof as is necessary, to be used for the
176 34 purpose designated:
176 35 For the family support subsidy program subject to the



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177 1 enrollment restrictions in section 225C.37, subsection 3:
177 2 \$ 583,999
177 3 2. The department shall use at least \$192,750 of the moneys
177 4 appropriated in this section for the family support center
177 5 component of the comprehensive family support program under
177 6 section 225C.47. Not more than \$12,500 of the amount allocated
177 7 in this subsection shall be used for administrative costs.
177 8 3. If at any time during the fiscal year, the amount of
177 9 funding available for the family support subsidy program
177 10 is reduced from the amount initially used to establish the
177 11 figure for the number of family members for whom a subsidy
177 12 is to be provided at any one time during the fiscal year,
177 13 notwithstanding section 225C.38, subsection 2, the department
177 14 shall revise the figure as necessary to conform to the amount
177 15 of funding available.
177 16 Sec. 147. CONNER DECREE. There is appropriated from the
177 17 general fund of the state to the department of human services
177 18 for the fiscal year beginning July 1, 2012, and ending June 30,
177 19 2013, the following amount, or so much thereof as is necessary,
177 20 to be used for the purpose designated:
177 21 For building community capacity through the coordination
177 22 and provision of training opportunities in accordance with the
177 23 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
177 24 Iowa, July 14, 1994):
177 25 \$ 16,811
177 26 Sec. 148. MENTAL HEALTH INSTITUTES. There is appropriated
177 27 from the general fund of the state to the department of human
177 28 services for the fiscal year beginning July 1, 2012, and ending
177 29 June 30, 2013, the following amounts, or so much thereof as is
177 30 necessary, to be used for the purposes designated:
177 31 1. For the state mental health institute at Cherokee for
177 32 salaries, support, maintenance, and miscellaneous purposes, and
177 33 for not more than the following full-time equivalent positions:
177 34 \$ 2,938,654
177 35 FTEs 168.50



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178 1 2. For the state mental health institute at Clarinda for
178 2 salaries, support, maintenance, and miscellaneous purposes, and
178 3 for not more than the following full-time equivalent positions:
178 4 \$ 3,205,867
178 5 FTEs 86.10
178 6 3. For the state mental health institute at Independence for
178 7 salaries, support, maintenance, and miscellaneous purposes, and
178 8 for not more than the following full-time equivalent positions:
178 9 \$ 5,137,843
178 10 FTEs 233.00
178 11 4. For the state mental health institute at Mount Pleasant
178 12 for salaries, support, maintenance, and miscellaneous purposes,
178 13 and for not more than the following full-time equivalent
178 14 positions:
178 15 \$ 472,162
178 16 FTEs 91.72
178 17 Sec. 149. STATE RESOURCE CENTERS.
178 18 1. There is appropriated from the general fund of the
178 19 state to the department of human services for the fiscal year
178 20 beginning July 1, 2012, and ending June 30, 2013, the following
178 21 amounts, or so much thereof as is necessary, to be used for the
178 22 purposes designated:
178 23 a. For the state resource center at Glenwood for salaries,
178 24 support, maintenance, and miscellaneous purposes:
178 25 \$ 9,303,901
178 26 b. For the state resource center at Woodward for salaries,
178 27 support, maintenance, and miscellaneous purposes:
178 28 \$ 6,442,829
178 29 2. The department may continue to bill for state resource
178 30 center services utilizing a scope of services approach used for
178 31 private providers of ICFMR services, in a manner which does not
178 32 shift costs between the medical assistance program, counties,
178 33 or other sources of funding for the state resource centers.
178 34 3. The state resource centers may expand the time-limited
178 35 assessment and respite services during the fiscal year.



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179 1 4. If the department's administration and the department
179 2 of management concur with a finding by a state resource
179 3 center's superintendent that projected revenues can reasonably
179 4 be expected to pay the salary and support costs for a new
179 5 employee position, or that such costs for adding a particular
179 6 number of new positions for the fiscal year would be less
179 7 than the overtime costs if new positions would not be added,
179 8 the superintendent may add the new position or positions. If
179 9 the vacant positions available to a resource center do not
179 10 include the position classification desired to be filled, the
179 11 state resource center's superintendent may reclassify any
179 12 vacant position as necessary to fill the desired position. The
179 13 superintendents of the state resource centers may, by mutual
179 14 agreement, pool vacant positions and position classifications
179 15 during the course of the fiscal year in order to assist one
179 16 another in filling necessary positions.

179 17 5. If existing capacity limitations are reached in
179 18 operating units, a waiting list is in effect for a service or
179 19 a special need for which a payment source or other funding
179 20 is available for the service or to address the special need,
179 21 and facilities for the service or to address the special need
179 22 can be provided within the available payment source or other
179 23 funding, the superintendent of a state resource center may
179 24 authorize opening not more than two units or other facilities
179 25 and begin implementing the service or addressing the special
179 26 need during fiscal year 2012=2013.

179 27 Sec. 150. MI/MR/DD STATE CASES.

179 28 1. There is appropriated from the general fund of the
179 29 state to the department of human services for the fiscal year
179 30 beginning July 1, 2012, and ending June 30, 2013, the following
179 31 amount, or so much thereof as is necessary, to be used for the
179 32 purpose designated:

179 33 For distribution to counties for state case services
179 34 for persons with mental illness, mental retardation, and
179 35 developmental disabilities in accordance with section 331.440:



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180 1 \$ 6,084,741
180 2 2. For the fiscal year beginning July 1, 2012, and ending
180 3 June 30, 2013, \$100,000 is allocated for state case services
180 4 from the amounts appropriated from the fund created in section
180 5 8.41 to the department of human services from the funds
180 6 received from the federal government under 42 U.S.C. ch. 6A,
180 7 subch. XVII, relating to the community mental health center
180 8 block grant, for the federal fiscal years beginning October
180 9 1, 2010, and ending September 30, 2011, beginning October 1,
180 10 2011, and ending September 30, 2012, and beginning October 1,
180 11 2012, and ending September 30, 2013. The allocation made in
180 12 this subsection shall be made prior to any other distribution
180 13 allocation of the appropriated federal funds.
180 14 3. Notwithstanding section 8.33, moneys appropriated in
180 15 this section that remain unencumbered or unobligated at the
180 16 close of the fiscal year shall not revert but shall remain
180 17 available for expenditure for the purposes designated until the
180 18 close of the succeeding fiscal year.
180 19 Sec. 151. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
180 20 ==== COMMUNITY SERVICES FUND. There is appropriated from
180 21 the general fund of the state to the mental health and
180 22 developmental disabilities community services fund created in
180 23 section 225C.7 for the fiscal year beginning July 1, 2012, and
180 24 ending June 30, 2013, the following amount, or so much thereof
180 25 as is necessary, to be used for the purpose designated:
180 26 For mental health and developmental disabilities community
180 27 services in accordance with this division of this Act:
180 28 \$ 14,211,100
180 29 1. Of the funds appropriated in this section, \$14,187,556
180 30 shall be allocated to counties for funding of community-based
180 31 mental health and developmental disabilities services. The
180 32 moneys shall be allocated to a county as follows:
180 33 a. Fifty percent based upon the county's proportion of the
180 34 state's population of persons with an annual income which is
180 35 equal to or less than the poverty guideline established by the



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181 1 federal office of management and budget.
181 2 b. Fifty percent based upon the county's proportion of the
181 3 state's general population.
181 4 2. a. A county shall utilize the funding the county
181 5 receives pursuant to subsection 1 for services provided to
181 6 persons with a disability, as defined in section 225C.2.
181 7 However, no more than 50 percent of the funding shall be used
181 8 for services provided to any one of the service populations.
181 9 b. A county shall use at least 50 percent of the funding the
181 10 county receives under subsection 1 for contemporary services
181 11 provided to persons with a disability, as described in rules
181 12 adopted by the department.
181 13 3. Of the funds appropriated in this section, \$23,544
181 14 shall be used to support the Iowa compass program providing
181 15 computerized information and referral services for Iowans with
181 16 disabilities and their families.
181 17 4. a. Funding appropriated for purposes of the federal
181 18 social services block grant is allocated for distribution
181 19 to counties for local purchase of services for persons with
181 20 mental illness or mental retardation or other developmental
181 21 disability.
181 22 b. The funds allocated in this subsection shall be expended
181 23 by counties in accordance with the county's county management
181 24 plan approved by the board of supervisors. A county without
181 25 an approved county management plan shall not receive allocated
181 26 funds until the county's management plan is approved.
181 27 c. The funds provided by this subsection shall be allocated
181 28 to each county as follows:
181 29 (1) Fifty percent based upon the county's proportion of the
181 30 state's population of persons with an annual income which is
181 31 equal to or less than the poverty guideline established by the
181 32 federal office of management and budget.
181 33 (2) Fifty percent based upon the amount provided to the
181 34 county for local purchase of services in the preceding fiscal
181 35 year.



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182 1 5. A county is eligible for funds under this section if the
182 2 county qualifies for a state payment as described in section
182 3 331.439.

182 4 6. The most recent population estimates issued by the United
182 5 States bureau of the census shall be applied for the population
182 6 factors utilized in this section.

182 7 Sec. 152. SEXUALLY VIOLENT PREDATORS.

182 8 1. There is appropriated from the general fund of the
182 9 state to the department of human services for the fiscal year
182 10 beginning July 1, 2012, and ending June 30, 2013, the following
182 11 amount, or so much thereof as is necessary, to be used for the
182 12 purpose designated:

182 13 For costs associated with the commitment and treatment of
182 14 sexually violent predators in the unit located at the state
182 15 mental health institute at Cherokee, including costs of legal
182 16 services and other associated costs, including salaries,
182 17 support, maintenance, and miscellaneous purposes, and for not
182 18 more than the following full-time equivalent positions:

182 19	\$ 3,775,364
182 20	FTEs 89.50

182 21 2. Unless specifically prohibited by law, if the amount
182 22 charged provides for recoupment of at least the entire amount
182 23 of direct and indirect costs, the department of human services
182 24 may contract with other states to provide care and treatment
182 25 of persons placed by the other states at the unit for sexually
182 26 violent predators at Cherokee. The moneys received under
182 27 such a contract shall be considered to be repayment receipts
182 28 and used for the purposes of the appropriation made in this
182 29 section.

182 30 Sec. 153. FIELD OPERATIONS. There is appropriated from the
182 31 general fund of the state to the department of human services
182 32 for the fiscal year beginning July 1, 2012, and ending June 30,
182 33 2013, the following amount, or so much thereof as is necessary,
182 34 to be used for the purposes designated:

182 35 For field operations, including salaries, support,



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183 1 maintenance, and miscellaneous purposes, and for not more than
183 2 the following full-time equivalent positions:
183 3 \$ 27,394,961
183 4 FTEs 1,781.00
183 5 Priority in filling full-time equivalent positions shall be
183 6 given to those positions related to child protection services
183 7 and eligibility determination for low-income families.
183 8 Sec. 154. GENERAL ADMINISTRATION. There is appropriated
183 9 from the general fund of the state to the department of human
183 10 services for the fiscal year beginning July 1, 2012, and ending
183 11 June 30, 2013, the following amount, or so much thereof as is
183 12 necessary, to be used for the purpose designated:
183 13 For general administration, including salaries, support,
183 14 maintenance, and miscellaneous purposes, and for not more than
183 15 the following full-time equivalent positions:
183 16 \$ 7,298,373
183 17 FTEs 285.00
183 18 1. Of the funds appropriated in this section, \$19,272
183 19 allocated for the prevention of disabilities policy council
183 20 established in section 225B.3.
183 21 2. The department shall report at least monthly to the
183 22 legislative services agency concerning the department's
183 23 operational and program expenditures.
183 24 3. Of the funds appropriated in this section, \$66,150 shall
183 25 be used to continue the contract for the provision of a program
183 26 to provide technical assistance, support, and consultation to
183 27 providers of habilitation services and home and community-based
183 28 waiver services for adults with disabilities under the medical
183 29 assistance program.
183 30 4. Of the funds appropriated in this section, \$88,200 shall
183 31 be used to continue the contract to expand the provision of
183 32 nationally accredited and recognized internet-based training to
183 33 include mental health and disability services providers.
183 34 5. Of the funds appropriated in this section, \$250,000
183 35 shall be used for continuation of child protection system



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184 1 improvements addressed in 2011 Iowa Acts, House File 562, as
184 2 enacted.

184 3 6. Notwithstanding section 8.33, moneys appropriated in
184 4 this section that remain unencumbered or unobligated at the
184 5 close of the fiscal year shall not revert but shall remain
184 6 available for expenditure for the purposes designated until the
184 7 close of the succeeding fiscal year.

184 8 Sec. 155. VOLUNTEERS. There is appropriated from the
184 9 general fund of the state to the department of human services
184 10 for the fiscal year beginning July 1, 2012, and ending June 30,
184 11 2013, the following amount, or so much thereof as is necessary,
184 12 to be used for the purpose designated:

184 13 For development and coordination of volunteer services:
184 14 \$ 42,330

184 15 Sec. 156. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
184 16 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
184 17 DEPARTMENT OF HUMAN SERVICES.

184 18 1. a. (1) For the fiscal year beginning July 1, 2012,
184 19 the total state funding amount for the nursing facility budget
184 20 shall not exceed \$223,202,551.

184 21 (2) The department, in cooperation with nursing facility
184 22 representatives, shall review projections for state funding
184 23 expenditures for reimbursement of nursing facilities on a
184 24 quarterly basis and the department shall determine if an
184 25 adjustment to the medical assistance reimbursement rate is
184 26 necessary in order to provide reimbursement within the state
184 27 funding amount for the fiscal year. Notwithstanding 2001
184 28 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
184 29 "c", and subsection 3, paragraph "a", subparagraph (2),
184 30 if the state funding expenditures for the nursing facility
184 31 budget for the fiscal year is projected to exceed the amount
184 32 specified in subparagraph (1), the department shall adjust
184 33 the reimbursement for nursing facilities reimbursed under the
184 34 case=mix reimbursement system to maintain expenditures of the
184 35 nursing facility budget within the specified amount for the



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185 1 fiscal year.
185 2 (3) For the fiscal year beginning July 1, 2012, special
185 3 population nursing facilities shall be reimbursed in accordance
185 4 with the methodology in effect on June 30, 2012.
185 5 b. For the fiscal year beginning July 1, 2012, the
185 6 department shall reimburse pharmacy dispensing fees using a
185 7 single rate of \$4.34 per prescription or the pharmacy's usual
185 8 and customary fee, whichever is lower. However, the department
185 9 shall adjust the dispensing fee specified in this paragraph
185 10 to distribute an additional \$2,400,000 in reimbursements for
185 11 pharmacy dispensing fees under this paragraph for the fiscal
185 12 year.
185 13 c. (1) For the fiscal year beginning July 1, 2012,
185 14 reimbursement rates for outpatient hospital services shall
185 15 remain at the rates in effect on June 30, 2012.
185 16 (2) For the fiscal year beginning July 1, 2012,
185 17 reimbursement rates for inpatient hospital services shall
185 18 remain at the rates in effect on June 30, 2012.
185 19 (3) For the fiscal year beginning July 1, 2012, the graduate
185 20 medical education and disproportionate share hospital fund
185 21 shall remain at the amount in effect on June 30, 2012, except
185 22 that the portion of the fund attributable to graduate medical
185 23 education shall be reduced in an amount that reflects the
185 24 elimination of graduate medical education payments made to
185 25 out-of-state hospitals.
185 26 (4) In order to ensure the efficient use of limited state
185 27 funds in procuring health care services for low-income Iowans,
185 28 funds appropriated in this Act for hospital services shall
185 29 not be used for activities which would be excluded from a
185 30 determination of reasonable costs under the federal Medicare
185 31 program pursuant to 42 U.S.C. { 1395X(v) (1) (N).
185 32 d. For the fiscal year beginning July 1, 2012, reimbursement
185 33 rates for rural health clinics, hospices, and acute mental
185 34 hospitals shall be increased in accordance with increases under
185 35 the federal Medicare program or as supported by their Medicare



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186 1 audited costs.

186 2 e. For the fiscal year beginning July 1, 2012, independent
186 3 laboratories and rehabilitation agencies shall be reimbursed
186 4 using the same methodology in effect on June 30, 2012.

186 5 f. For the fiscal year beginning July 1, 2012, reimbursement
186 6 rates for home health agencies shall remain at the rates in
186 7 effect on June 30, 2012, not to exceed a home health agency's
186 8 actual allowable cost.

186 9 g. For the fiscal year beginning July 1, 2012, federally
186 10 qualified health centers shall receive cost-based reimbursement
186 11 for 100 percent of the reasonable costs for the provision of
186 12 services to recipients of medical assistance.

186 13 h. For the fiscal year beginning July 1, 2012, the
186 14 reimbursement rates for dental services shall remain at the
186 15 rates in effect on June 30, 2012.

186 16 i. (1) For the fiscal year beginning July 1, 2012,
186 17 state-owned psychiatric medical institutions for children shall
186 18 receive cost-based reimbursement for 100 percent of the actual
186 19 and allowable costs for the provision of services to recipients
186 20 of medical assistance.

186 21 (2) For the nonstate-owned psychiatric medical institutions
186 22 for children, reimbursement rates shall be based on the
186 23 reimbursement methodology developed by the department to
186 24 include all ancillary medical services costs and any other
186 25 changes required for federal compliance.

186 26 j. For the fiscal year beginning July 1, 2012, unless
186 27 otherwise specified in this Act, all noninstitutional medical
186 28 assistance provider reimbursement rates shall remain at the
186 29 rates in effect on June 30, 2012, except for area education
186 30 agencies, local education agencies, infant and toddler services
186 31 providers, and those providers whose rates are required to be
186 32 determined pursuant to section 249A.20.

186 33 k. Notwithstanding any provision to the contrary, for the
186 34 fiscal year beginning July 1, 2012, the reimbursement rate for
186 35 anesthesiologists shall remain at the rate in effect on June



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187 1 30, 2012.

187 2 l. Notwithstanding section 249A.20, for the fiscal year
187 3 beginning July 1, 2012, the average reimbursement rate for
187 4 health care providers eligible for use of the federal Medicare
187 5 resource-based relative value scale reimbursement methodology
187 6 under that section shall remain at the rate in effect on June
187 7 30, 2012; however, this rate shall not exceed the maximum level
187 8 authorized by the federal government.

187 9 m. For the fiscal year beginning July 1, 2012, the
187 10 reimbursement rate for residential care facilities shall not
187 11 be less than the minimum payment level as established by the
187 12 federal government to meet the federally mandated maintenance
187 13 of effort requirement. The flat reimbursement rate for
187 14 facilities electing not to file annual cost reports shall not
187 15 be less than the minimum payment level as established by the
187 16 federal government to meet the federally mandated maintenance
187 17 of effort requirement.

187 18 n. For the fiscal year beginning July 1, 2012, inpatient
187 19 mental health services provided at hospitals shall remain at
187 20 the rates in effect on June 30, 2012, subject to Medicaid
187 21 program upper payment limit rules; community mental health
187 22 centers and providers of mental health services to county
187 23 residents pursuant to a waiver approved under section 225C.7,
187 24 subsection 3, shall be reimbursed at 100 percent of the
187 25 reasonable costs for the provision of services to recipients of
187 26 medical assistance; and psychiatrists shall be reimbursed at
187 27 the medical assistance program fee for service rate.

187 28 o. For the fiscal year beginning July 1, 2012, the
187 29 reimbursement rate for consumer-directed attendant care shall
187 30 remain at the rates in effect on June 30, 2012.

187 31 p. For the fiscal year beginning July 1, 2012, the
187 32 reimbursement rate for providers of family planning services
187 33 that are eligible to receive a 90 percent federal match shall
187 34 remain at the rates in effect on June 30, 2012.

187 35 q. For the fiscal year beginning July 1, 2012, the



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188 1 department shall adjust the rates in effect on June 30,
188 2 2012, for providers of home and community-based services
188 3 waiver services to distribute an additional \$1,500,000 in
188 4 reimbursements to such providers for the fiscal year.
188 5 2. For the fiscal year beginning July 1, 2012, the
188 6 reimbursement rate for providers reimbursed under the
188 7 in-home-related care program shall not be less than the minimum
188 8 payment level as established by the federal government to meet
188 9 the federally mandated maintenance of effort requirement.
188 10 3. Unless otherwise directed in this section, when the
188 11 department's reimbursement methodology for any provider
188 12 reimbursed in accordance with this section includes an
188 13 inflation factor, this factor shall not exceed the amount
188 14 by which the consumer price index for all urban consumers
188 15 increased during the calendar year ending December 31, 2002.
188 16 4. For the fiscal year beginning July 1, 2012,
188 17 notwithstanding section 234.38, the foster family basic daily
188 18 maintenance rate and the maximum adoption subsidy rate for
188 19 children ages 0 through 5 years shall be \$15.74, the rate for
188 20 children ages 6 through 11 years shall be \$16.37, the rate for
188 21 children ages 12 through 15 years shall be \$17.92, and the
188 22 rate for children and young adults ages 16 and older shall be
188 23 \$18.16. The maximum supervised apartment living foster care
188 24 reimbursement rate shall be \$25.00 per day. For youth ages
188 25 18 to 21 who have exited foster care, the maximum preparation
188 26 for adult living program maintenance rate shall be \$574.00 per
188 27 month. The maximum payment for adoption subsidy nonrecurring
188 28 expenses shall be limited to \$500 and the disallowance of
188 29 additional amounts for court costs and other related legal
188 30 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
188 31 section 408 shall be continued.
188 32 5. For the fiscal year beginning July 1, 2012, the maximum
188 33 reimbursement rates under the supervised apartment living
188 34 program and for social services providers under contract
188 35 shall remain at the rates in effect on June 30, 2012, or the



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189 1 provider's actual and allowable cost plus inflation for each
189 2 service, whichever is less. However, if a new service or
189 3 service provider is added after June 30, 2012, the initial
189 4 reimbursement rate for the service or provider shall be
189 5 based upon actual and allowable costs. Providers may also
189 6 be eligible for an additional amount as specified under the
189 7 department's request for proposal, bid number ACFS=11=115.
189 8 6. For the fiscal year beginning July 1, 2012, the
189 9 reimbursement rates for family=centered service providers,
189 10 family foster care service providers, group foster care service
189 11 providers, and the resource family recruitment and retention
189 12 contractor shall remain at the rates in effect on June 30,
189 13 2012.
189 14 7. The group foster care reimbursement rates paid for
189 15 placement of children out of state shall be calculated
189 16 according to the same rate=setting principles as those used for
189 17 in=state providers, unless the director of human services or
189 18 the director's designee determines that appropriate care cannot
189 19 be provided within the state. The payment of the daily rate
189 20 shall be based on the number of days in the calendar month in
189 21 which service is provided.
189 22 8. a. For the fiscal year beginning July 1, 2012, the
189 23 reimbursement rate paid for shelter care and the child welfare
189 24 emergency services implemented to provide or prevent the need
189 25 for shelter care shall be established in a contract based on
189 26 the requirements of the department's request for proposal, bid
189 27 number ACFS=11=114.
189 28 b. For the fiscal year beginning July 1, 2012, the combined
189 29 service and maintenance components of the reimbursement rate
189 30 paid for shelter care services shall be based on the financial
189 31 and statistical report submitted to the department. The
189 32 maximum reimbursement rate shall be \$92.36 per day. The
189 33 department shall reimburse a shelter care provider at the
189 34 provider's actual and allowable unit cost, plus inflation, not
189 35 to exceed the maximum reimbursement rate.



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190 1 c. Notwithstanding section 232.141, subsection 8, for the
190 2 fiscal year beginning July 1, 2012, the amount of the statewide
190 3 average of the actual and allowable rates for reimbursement of
190 4 juvenile shelter care homes that is utilized for the limitation
190 5 on recovery of unpaid costs shall remain at the amount in
190 6 effect for this purpose in the fiscal year beginning July 1,
190 7 2011.

190 8 9. For the fiscal year beginning July 1, 2012, the
190 9 department shall calculate reimbursement rates for intermediate
190 10 care facilities for persons with mental retardation at the
190 11 80th percentile. Beginning July 1, 2012, the rate calculation
190 12 methodology shall utilize the consumer price index inflation
190 13 factor applicable to the fiscal year beginning July 1, 2012.

190 14 10. For the fiscal year beginning July 1, 2012, for child
190 15 care providers reimbursed under the state child care assistance
190 16 program, the department shall set provider reimbursement
190 17 rates based on the rate reimbursement survey completed in
190 18 December 2004. Effective July 1, 2012, the child care provider
190 19 reimbursement rates shall remain at the rates in effect on June
190 20 30, 2012. The department shall set rates in a manner so as
190 21 to provide incentives for a nonregistered provider to become
190 22 registered by applying the increase only to registered and
190 23 licensed providers.

190 24 11. The department may adopt emergency rules to implement
190 25 this section.

190 26 Sec. 157. EMERGENCY RULES.

190 27 1. If specifically authorized by a provision of this
190 28 division of this Act, the department of human services or
190 29 the mental health, and disability services commission may
190 30 adopt administrative rules under section 17A.4, subsection
190 31 3, and section 17A.5, subsection 2, paragraph "b", to
190 32 implement the provisions and the rules shall become effective
190 33 immediately upon filing or on a later effective date specified
190 34 in the rules, unless the effective date is delayed by the
190 35 administrative rules review committee. Any rules adopted in



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191 1 accordance with this section shall not take effect before
191 2 the rules are reviewed by the administrative rules review
191 3 committee. The delay authority provided to the administrative
191 4 rules review committee under section 17A.4, subsection 7, and
191 5 section 17A.8, subsection 9, shall be applicable to a delay
191 6 imposed under this section, notwithstanding a provision in
191 7 those sections making them inapplicable to section 17A.5,
191 8 subsection 2, paragraph "b". Any rules adopted in accordance
191 9 with the provisions of this section shall also be published as
191 10 notice of intended action as provided in section 17A.4.
191 11 2. If during the fiscal year beginning July 1, 2012, the
191 12 department of human services is adopting rules in accordance
191 13 with this section or as otherwise directed or authorized by
191 14 state law, and the rules will result in an expenditure increase
191 15 beyond the amount anticipated in the budget process or if the
191 16 expenditure was not addressed in the budget process for the
191 17 fiscal year, the department shall notify the persons designated
191 18 by this division of this Act for submission of reports,
191 19 the chairpersons and ranking members of the committees on
191 20 appropriations, and the department of management concerning the
191 21 rules and the expenditure increase. The notification shall be
191 22 provided at least 30 calendar days prior to the date notice of
191 23 the rules is submitted to the administrative rules coordinator
191 24 and the administrative code editor.
191 25 Sec. 158. REPORTS. Any reports or information required to
191 26 be compiled and submitted under this Act shall be submitted
191 27 to the chairpersons and ranking members of the joint
191 28 appropriations subcommittee on health and human services, the
191 29 legislative services agency, and the legislative caucus staffs
191 30 on or before the dates specified for submission of the reports
191 31 or information.
191 32 Sec. 159. EFFECTIVE DATE. The following provision of this
191 33 division of this Act, being deemed of immediate importance,
191 34 take effect upon enactment:
191 35 The provision under the appropriation for child and family



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192 1 services, relating to requirements of section 232.143 for
192 2 representatives of the department of human services and
192 3 juvenile court services to establish a plan for continuing
192 4 group foster care expenditures for fiscal year 2012=2013.
192 5 DIVISION XIX
192 6 PHARMACEUTICAL SETTLEMENT ACCOUNT,
192 7 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
192 8 REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT,
192 9 MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND,
192 10 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND ==== FY 2012=2013
192 11 Sec. 160. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
192 12 appropriated from the pharmaceutical settlement account created
192 13 in section 249A.33 to the department of human services for the
192 14 fiscal year beginning July 1, 2012, and ending June 30, 2013,
192 15 the following amount, or so much thereof as is necessary, to be
192 16 used for the purpose designated:
192 17 Notwithstanding any provision of law to the contrary, to
192 18 supplement the appropriations made in this Act for medical
192 19 contracts under the medical assistance program:
192 20 \$ 2,716,807
192 21 Sec. 161. APPROPRIATIONS FROM IOWACARE ACCOUNT.
192 22 1. There is appropriated from the IowaCare account
192 23 created in section 249J.24 to the state board of regents for
192 24 distribution to the university of Iowa hospitals and clinics
192 25 for the fiscal year beginning July 1, 2012, and ending June 30,
192 26 2013, the following amount, or so much thereof as is necessary,
192 27 to be used for the purposes designated:
192 28 For salaries, support, maintenance, equipment, and
192 29 miscellaneous purposes, for the provision of medical and
192 30 surgical treatment of indigent patients, for provision of
192 31 services to members of the expansion population pursuant to
192 32 chapter 249J, and for medical education:
192 33 \$ 27,284,584
192 34 a. Funds appropriated in this subsection shall not be used
192 35 to perform abortions except medically necessary abortions, and



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193 1 shall not be used to operate the early termination of pregnancy
193 2 clinic except for the performance of medically necessary
193 3 abortions. For the purpose of this subsection, an abortion is
193 4 the purposeful interruption of pregnancy with the intention
193 5 other than to produce a live-born infant or to remove a dead
193 6 fetus, and a medically necessary abortion is one performed
193 7 under one of the following conditions:

193 8 (1) The attending physician certifies that continuing the
193 9 pregnancy would endanger the life of the pregnant woman.

193 10 (2) The attending physician certifies that the fetus is
193 11 physically deformed, mentally deficient, or afflicted with a
193 12 congenital illness.

193 13 (3) The pregnancy is the result of a rape which is reported
193 14 within 45 days of the incident to a law enforcement agency or
193 15 public or private health agency which may include a family
193 16 physician.

193 17 (4) The pregnancy is the result of incest which is reported
193 18 within 150 days of the incident to a law enforcement agency
193 19 or public or private health agency which may include a family
193 20 physician.

193 21 (5) The abortion is a spontaneous abortion, commonly known
193 22 as a miscarriage, wherein not all of the products of conception
193 23 are expelled.

193 24 b. Notwithstanding any provision of law to the contrary,
193 25 the amount appropriated in this subsection shall be distributed
193 26 based on claims submitted, adjudicated, and paid by the Iowa
193 27 Medicaid enterprise.

193 28 c. The university of Iowa hospitals and clinics shall
193 29 certify public expenditures in an amount equal to provide
193 30 the nonfederal share on total expenditures not to exceed
193 31 \$20,000,000.

193 32 2. There is appropriated from the IowaCare account
193 33 created in section 249J.24 to the state board of regents for
193 34 distribution to the university of Iowa hospitals and clinics
193 35 for the fiscal year beginning July 1, 2012, and ending June 30,



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194 1 2013, the following amount, or so much thereof as is necessary,
194 2 to be used for the purposes designated:
194 3 For salaries, support, maintenance, equipment, and
194 4 miscellaneous purposes, for the provision of medical and
194 5 surgical treatment of indigent patients, for provision of
194 6 services to members of the expansion population pursuant to
194 7 chapter 249J, and for medical education:
194 8 \$ 44,226,279
194 9 Notwithstanding any provision of law to the contrary, the
194 10 amount appropriated in this subsection shall be distributed
194 11 based on claims submitted, adjudicated, and paid by the Iowa
194 12 Medicaid enterprise.
194 13 3. There is appropriated from the IowaCare account
194 14 created in section 249J.24, to the state board of regents for
194 15 distribution to university of Iowa physicians for the fiscal
194 16 year beginning July 1, 2012, and ending June 30, 2013, the
194 17 following amount, or so much thereof as is necessary to be used
194 18 for the purposes designated:
194 19 For salaries, support, maintenance, equipment, and
194 20 miscellaneous purposes for the provision of medical and
194 21 surgical treatment of indigent patients, for provision of
194 22 services to members of the expansion population pursuant to
194 23 chapter 249J, and for medical education:
194 24 \$ 16,277,753
194 25 Notwithstanding any provision of law to the contrary, the
194 26 amount appropriated in this subsection shall be distributed
194 27 based on claims submitted, adjudicated, and paid by the Iowa
194 28 Medicaid enterprise. Once the entire amount appropriated in
194 29 this subsection has been distributed, claims shall continue to
194 30 be submitted and adjudicated by the Iowa Medicaid enterprise;
194 31 however, no payment shall be made based upon such claims.
194 32 4. There is appropriated from the IowaCare account created
194 33 in section 249J.24 to the department of human services for the
194 34 fiscal year beginning July 1, 2012, and ending June 30, 2013,
194 35 the following amount, or so much thereof as is necessary, to be



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195 1 used for the purposes designated:

195 2 For distribution to a publicly owned acute care teaching
195 3 hospital located in a county with a population over 350,000 for
195 4 the provision of medical and surgical treatment of indigent
195 5 patients, for provision of services to members of the expansion
195 6 population pursuant to chapter 249J, and for medical education:
195 7 \$ 65,000,000

195 8 a. Notwithstanding any provision of law to the contrary,
195 9 the amount appropriated in this subsection shall be distributed
195 10 based on claims submitted, adjudicated, and paid by the Iowa
195 11 Medicaid enterprise plus a monthly disproportionate share
195 12 hospital payment. Any amount appropriated in this subsection
195 13 in excess of \$60,000,000 shall be distributed only if the sum
195 14 of the expansion population claims adjudicated and paid by the
195 15 Iowa Medicaid enterprise plus the estimated disproportionate
195 16 share hospital payments exceeds \$60,000,000. The amount paid
195 17 in excess of \$60,000,000 shall not adjust the original monthly
195 18 payment amount but shall be distributed monthly based on actual
195 19 claims adjudicated and paid by the Iowa Medicaid enterprise
195 20 plus the estimated disproportionate share hospital amount. Any
195 21 amount appropriated in this subsection in excess of \$60,000,000
195 22 shall be allocated only if federal funds are available to match
195 23 the amount allocated. Pursuant to paragraph "b", of the amount
195 24 appropriated in this subsection, not more than \$4,000,000 shall
195 25 be distributed for prescription drugs and podiatry services.

195 26 b. Notwithstanding any provision of law to the contrary, the
195 27 hospital identified in this subsection, shall be reimbursed for
195 28 outpatient prescription drugs and podiatry services provided to
195 29 members of the expansion population pursuant to all applicable
195 30 medical assistance program rules, in an amount not to exceed
195 31 \$4,000,000.

195 32 c. Notwithstanding the total amount of proceeds distributed
195 33 pursuant to section 249J.24, subsection 6, paragraph "a",
195 34 unnumbered paragraph 1, for the fiscal year beginning July
195 35 1, 2012, and ending June 30, 2013, the county treasurer of a



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196 1 county with a population of over 350,000 in which a publicly
196 2 owned acute care teaching hospital is located shall distribute
196 3 the proceeds collected pursuant to section 347.7 in a total
196 4 amount of \$38,000,000, which would otherwise be distributed to
196 5 the county hospital, to the treasurer of state for deposit in
196 6 the IowaCare account.

196 7 d. (1) Notwithstanding the amount collected and
196 8 distributed for deposit in the IowaCare account pursuant to
196 9 section 249J.24, subsection 6, paragraph "a", subparagraph
196 10 (1), the first \$19,000,000 in proceeds collected pursuant to
196 11 section 347.7 between July 1, 2012, and December 31, 2012,
196 12 shall be distributed to the treasurer of state for deposit in
196 13 the IowaCare account and collections during this time period
196 14 in excess of \$19,000,000 shall be distributed to the acute
196 15 care teaching hospital identified in this subsection. Of the
196 16 collections in excess of the \$19,000,000 received by the acute
196 17 care teaching hospital under this subparagraph (1), \$2,000,000
196 18 shall be distributed by the acute care teaching hospital to the
196 19 treasurer of state for deposit in the IowaCare account in the
196 20 month of January 2013, following the July 1 through December
196 21 31, 2012, period.

196 22 (2) Notwithstanding the amount collected and distributed
196 23 for deposit in the IowaCare account pursuant to section
196 24 249J.24, subsection 6, paragraph "a", subparagraph (2),
196 25 the first \$19,000,000 in collections pursuant to section
196 26 347.7 between January 1, 2013, and June 30, 2013, shall be
196 27 distributed to the treasurer of state for deposit in the
196 28 IowaCare account and collections during this time period in
196 29 excess of \$19,000,000 shall be distributed to the acute care
196 30 teaching hospital identified in this subsection. Of the
196 31 collections in excess of the \$19,000,000 received by the acute
196 32 care teaching hospital under this subparagraph (2), \$2,000,000
196 33 shall be distributed by the acute care teaching hospital to the
196 34 treasurer of state for deposit in the IowaCare account in the
196 35 month of July 2013, following the January 1 through June 30,



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197 1 2013, period.

197 2 5. There is appropriated from the IowaCare account created
197 3 in section 249J.24 to the department of human services for the
197 4 fiscal year beginning July 1, 2012, and ending June 30, 2013,
197 5 the following amount, or so much thereof as is necessary to be
197 6 used for the purpose designated:

197 7 For payment to the regional provider network specified
197 8 by the department pursuant to section 249J.7 for provision
197 9 of covered services to members of the expansion population
197 10 pursuant to chapter 249J:

197 11 \$ 3,472,176

197 12 Notwithstanding any provision of law to the contrary, the
197 13 amount appropriated in this subsection shall be distributed
197 14 based on claims submitted, adjudicated, and paid by the Iowa
197 15 Medicaid enterprise. Once the entire amount appropriated in
197 16 this subsection has been distributed, claims shall continue to
197 17 be submitted and adjudicated by the Iowa Medicaid enterprise;
197 18 however, no payment shall be made based upon such claims.

197 19 6. There is appropriated from the IowaCare account created
197 20 in section 249J.24 to the department of human services for the
197 21 fiscal year beginning July 1, 2012, and ending June 30, 2013,
197 22 the following amount, or so much thereof as is necessary to be
197 23 used for the purposes designated:

197 24 For a care coordination pool to pay the expansion population
197 25 providers consisting of the university of Iowa hospitals and
197 26 clinics, the publicly owned acute care teaching hospital as
197 27 specified in section 249J.7, and current medical assistance
197 28 program providers that are not expansion population network
197 29 providers pursuant to section 249J.7, for services covered by
197 30 the full benefit medical assistance program but not under the
197 31 IowaCare program pursuant to section 249J.6, that are provided
197 32 to expansion population members:

197 33 \$ 1,500,000

197 34 a. Notwithstanding sections 249J.6 and 249J.7, the amount
197 35 appropriated in this subsection is intended to provide



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198 1 payment for medically necessary services provided to expansion
198 2 population members for continuation of care provided by the
198 3 university of Iowa hospitals and clinics or the publicly owned
198 4 acute care teaching hospital as specified in section 249J.7.
198 5 Payment may only be made for services that are not otherwise
198 6 covered under section 249J.6, and which are follow-up services
198 7 to covered services provided by the hospitals specified in this
198 8 paragraph "a".

198 9 b. The funds appropriated in this subsection are intended
198 10 to provide limited payment for continuity of care services for
198 11 an expansion population member, and are intended to cover the
198 12 costs of services to expansion population members, regardless
198 13 of the member's county of residence or medical home assignment,
198 14 if the care is related to specialty or hospital services
198 15 provided by the hospitals specified in paragraph "a".

198 16 c. The funds appropriated in this subsection are
198 17 not intended to provide for expanded coverage under the
198 18 IowaCare program, and shall not be used to cover emergency
198 19 transportation services.

198 20 d. The department shall adopt administrative rules pursuant
198 21 to chapter 17A to establish a prior authorization process and
198 22 to identify covered services for reimbursement under this
198 23 subsection.

198 24 7. There is appropriated from the IowaCare account created
198 25 in section 249J.24 to the department of human services for the
198 26 fiscal year beginning July 1, 2012, and ending June 30, 2013,
198 27 the following amount or so much thereof as is necessary to be
198 28 used for the purposes designated:

198 29 For a laboratory test and radiology pool for services
198 30 authorized by a federally qualified health center designated
198 31 by the department as part of the IowaCare regional provider
198 32 network that does not have the capability to provide these
198 33 services on site:

198 34 \$ 500,000

198 35 Notwithstanding sections 249J.6 and 249J.7, the amount



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199 1 appropriated in this subsection is intended to provide
199 2 reimbursement for services provided to expansion population
199 3 members that have previously been paid for through expenditure
199 4 by designated regional provider network providers of their
199 5 own funds, not to expand coverage under the IowaCare program
199 6 or to expand the expansion population provider network. The
199 7 department shall designate the laboratory and radiology
199 8 provider associated with each designated regional provider
199 9 network provider that may receive reimbursement. The
199 10 department shall adopt administrative rules pursuant to chapter
199 11 17A to establish a prior authorization process and to identify
199 12 covered services for reimbursement under this subsection.
199 13 All other medical assistance program payment policies and
199 14 rules for laboratory and radiology services shall apply to
199 15 services provided under this subsection. If the entire amount
199 16 appropriated under this subsection is expended, laboratory
199 17 tests and radiology services ordered by a designated regional
199 18 provider network provider shall be the financial responsibility
199 19 of the regional provider network provider.

199 20 Sec. 162. APPROPRIATIONS FROM NONPARTICIPATING
199 21 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
199 22 SERVICES. Notwithstanding any provision to the contrary, and
199 23 subject to the availability of funds, there is appropriated
199 24 from the nonparticipating provider reimbursement fund created
199 25 in section 249J.24A to the department of human services for the
199 26 fiscal year beginning July 1, 2012, and ending June 30, 2013,
199 27 the following amount or so much thereof as is necessary for the
199 28 purposes designated:

199 29 To reimburse nonparticipating providers in accordance with
199 30 section 249J.24A:
199 31 \$ 2,000,000

199 32 Sec. 163. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
199 33 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
199 34 Notwithstanding any provision to the contrary, there is
199 35 appropriated from the account for health care transformation



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200 1 created in section 249J.23 to the department of human services
200 2 for the fiscal year beginning July 1, 2012, and ending June
200 3 30, 2013, the following amounts, or so much thereof as is
200 4 necessary, to be used for the purposes designated:
200 5 1. For the provision of an IowaCare nurse helpline for the
200 6 expansion population as provided in section 249J.6:
200 7 \$ 50,000
200 8 2. For other health promotion partnership activities
200 9 pursuant to section 249J.14:
200 10 \$ 300,000
200 11 3. For the costs related to audits, performance
200 12 evaluations, and studies required pursuant to chapter 249J:
200 13 \$ 62,500
200 14 4. For administrative costs associated with chapter 249J:
200 15 \$ 566,206
200 16 5. For planning and development, in cooperation with the
200 17 department of public health, of a phased-in program to provide
200 18 a dental home for children in accordance with section 249J.14:
200 19 \$ 500,000
200 20 6. For continuation of the establishment of the tuition
200 21 assistance for individuals serving individuals with
200 22 disabilities pilot program, as enacted in 2008 Iowa Acts,
200 23 chapter 1187, section 130:
200 24 \$ 25,000
200 25 7. For medical contracts:
200 26 \$ 1,000,000
200 27 8. For payment to the publicly owned acute care teaching
200 28 hospital located in a county with a population of over 350,000
200 29 that is a participating provider pursuant to chapter 249J:
200 30 \$ 145,000
200 31 Disbursements under this subsection shall be made monthly.
200 32 The hospital shall submit a report following the close of the
200 33 fiscal year regarding use of the funds appropriated in this
200 34 subsection to the persons specified in this Act to receive
200 35 reports.



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201 1 9. For transfer to the department of public health to be
201 2 used for the costs of medical home system advisory council
201 3 established pursuant to section 135.159:
201 4 \$ 116,679
201 5 Notwithstanding section 8.39, subsection 1, without the
201 6 prior written consent and approval of the governor and the
201 7 director of the department of management, the director of human
201 8 services may transfer funds among the appropriations made in
201 9 this section as necessary to carry out the purposes of the
201 10 account for health care transformation. The department shall
201 11 report any transfers made pursuant to this section to the
201 12 legislative services agency.
201 13 Sec. 164. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
201 14 INSPECTIONS AND APPEALS. There is appropriated from the
201 15 Medicaid fraud account created in section 249A.7 to the
201 16 department of inspections and appeals for the fiscal year
201 17 beginning July 1, 2012, and ending June 30, 2013, the following
201 18 amount, or so much thereof as is necessary, to be used for the
201 19 purposes designated:
201 20 For the inspection and certification of assisted living
201 21 programs and adult day care services, including program
201 22 administration and costs associated with implementation:
201 23 \$ 669,764
201 24 Sec. 165. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF HUMAN
201 25 SERVICES. There is appropriated from the Medicaid fraud
201 26 account created in section 249A.7 to the department of human
201 27 services for the fiscal year beginning July 1, 2012, and ending
201 28 June 30, 2013, the following amount, or so much thereof as is
201 29 necessary, to be used for the purposes designated:
201 30 To supplement the appropriation made in this Act from the
201 31 general fund of the state to the department of human services
201 32 for medical assistance:
201 33 \$ 1,000,000
201 34 Sec. 166. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF
201 35 HUMAN SERVICES. Notwithstanding any provision to the contrary



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202 1 and subject to the availability of funds, there is appropriated
202 2 from the quality assurance trust fund created in section
202 3 249L.4 to the department of human services for the fiscal year
202 4 beginning July 1, 2012, and ending June 30, 2013, the following
202 5 amounts, or so much thereof as is necessary for the purposes
202 6 designated:

202 7 To supplement the appropriation made in this Act from the
202 8 general fund of the state to the department of human services
202 9 for medical assistance:

202 10 \$ 29,000,000

202 11 Sec. 167. HOSPITAL HEALTH CARE ACCESS TRUST FUND ====
202 12 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
202 13 the contrary and subject to the availability of funds, there is
202 14 appropriated from the hospital health care access trust fund
202 15 created in section 249M.4 to the department of human services
202 16 for the fiscal year beginning July 1, 2012, and ending June
202 17 30, 2013, the following amounts, or so much thereof as is
202 18 necessary, for the purposes designated:

202 19 1. To supplement the appropriation made in this Act from the
202 20 general fund of the state to the department of human services
202 21 for medical assistance:

202 22 \$ 39,223,800

202 23 2. For deposit in the nonparticipating provider
202 24 reimbursement fund created in section 249J.24A to be used for
202 25 the purposes of the fund:

202 26 \$ 776,200

202 27 Sec. 168. MEDICAL ASSISTANCE PROGRAM === NONREVERSION
202 28 FOR FY 2012=2013. Notwithstanding section 8.33, if moneys
202 29 appropriated for purposes of the medical assistance program
202 30 for the fiscal year beginning July 1, 2012, and ending June
202 31 30, 2013, from the general fund of the state, the Medicaid
202 32 fraud account, the quality assurance trust fund, and the
202 33 hospital health care access trust fund, are in excess of actual
202 34 expenditures for the medical assistance program and remain
202 35 unencumbered or unobligated at the close of the fiscal year,



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203 1 the excess moneys shall not revert but shall remain available
203 2 for expenditure for the purposes of the medical assistance
203 3 program until the close of the succeeding fiscal year.
203 4 DIVISION XX
203 5 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
203 6 2012=2013
203 7 Sec. 169. MENTAL HEALTH, MENTAL RETARDATION, AND
203 8 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
203 9 RELIEF. Notwithstanding the standing appropriation in section
203 10 426B.1, subsection 2, for the fiscal year beginning July 1,
203 11 2012, and ending June 30, 2013, the amount appropriated from
203 12 the general fund of the state pursuant to that provision shall
203 13 not exceed the following amount:
..... \$
203 14 81,199,911
203 15 Sec. 170. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==== FY 2012=2013.
203 16
203 17 1. There is appropriated from the general fund of the
203 18 state to the department of human services for the fiscal year
203 19 beginning July 1, 2012, and ending June 30, 2013, the following
203 20 amount, or so much thereof as is necessary, to be used for the
203 21 purpose designated:
203 22 For distribution to counties of the county mental health,
203 23 mental retardation, and developmental disabilities allowed
203 24 growth factor adjustment for fiscal year 2012=2013 as provided
203 25 in this section in lieu of the allowed growth factor provisions
203 26 of section 331.438, subsection 2, and section 331.439,
203 27 subsection 3, and chapter 426B:
203 28 \$ 68,697,893
203 29 2. Of the amount appropriated in this section, \$12,000,000
203 30 shall be distributed as provided in this subsection.
203 31 a. To be eligible to receive a distribution under this
203 32 subsection, a county must meet the following requirements:
203 33 (1) The county is levying for the maximum amount allowed
203 34 for the county's mental health, mental retardation, and
203 35 developmental disabilities services fund under section 331.424A



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204 1 for taxes due and payable in the fiscal year beginning July 1,
204 2 2012, or the county is levying for at least 90 percent of the
204 3 maximum amount allowed for the county's services fund and that
204 4 levy rate is more than \$2 per \$1,000 of the assessed value of
204 5 all taxable property in the county.

204 6 (2) In the fiscal year beginning July 1, 2010, the
204 7 county's mental health, mental retardation, and developmental
204 8 disabilities services fund ending balance under generally
204 9 accepted accounting principles was equal to or less than 15
204 10 percent of the county's actual gross expenditures for that
204 11 fiscal year.

204 12 b. The amount of a county's distribution from the allocation
204 13 made in this subsection shall be determined based upon the
204 14 county's proportion of the general population of the counties
204 15 eligible to receive a distribution under this subsection. The
204 16 most recent population estimates issued by the United States
204 17 bureau of the census shall be applied in determining population
204 18 for the purposes of this paragraph.

204 19 c. The distributions made pursuant to this subsection
204 20 are subject to the distribution provisions and withholding
204 21 requirements established in this section for the county mental
204 22 health, mental retardation, and developmental disabilities
204 23 allowed growth factor adjustment for the fiscal year beginning
204 24 July 1, 2012.

204 25 3. The following amount of the funding appropriated in this
204 26 section is the allowed growth factor adjustment for fiscal
204 27 year 2012=2013, and shall be credited to the allowed growth
204 28 funding pool created in the property tax relief fund and for
204 29 distribution in accordance with section 426B.5, subsection 1:
204 30 \$ 56,697,893

204 31 4. The following formula amounts shall be utilized only
204 32 to calculate preliminary distribution amounts for the allowed
204 33 growth factor adjustment for fiscal year 2012=2013 under this
204 34 section by applying the indicated formula provisions to the
204 35 formula amounts and producing a preliminary distribution total



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205 1 for each county:
205 2 a. For calculation of a distribution amount for eligible
205 3 counties from the allowed growth funding pool created in the
205 4 property tax relief fund in accordance with the requirements in
205 5 section 426B.5, subsection 1:
205 6 \$ 69,773,346
205 7 b. For calculation of a distribution amount for counties
205 8 from the mental health and developmental disabilities (MH/DD)
205 9 community services fund in accordance with the formula provided
205 10 in the appropriation made for the MH/DD community services fund
205 11 for the fiscal year beginning July 1, 2012:
205 12 \$ 14,187,556
205 13 5. a. After applying the applicable statutory distribution
205 14 formulas to the amounts indicated in subsection 4 for purposes
205 15 of producing preliminary distribution totals, the department
205 16 of human services shall apply a withholding factor to adjust
205 17 an eligible individual county's preliminary distribution
205 18 total. In order to be eligible for a distribution under this
205 19 section, a county must be levying 90 percent or more of the
205 20 maximum amount allowed for the county's mental health, mental
205 21 retardation, and developmental disabilities services fund under
205 22 section 331.424A for taxes due and payable in the fiscal year
205 23 for which the distribution is payable.
205 24 b. An ending balance percentage for each county shall
205 25 be determined by expressing the county's ending balance on a
205 26 modified accrual basis under generally accepted accounting
205 27 principles for the fiscal year beginning July 1, 2010, in the
205 28 county's mental health, mental retardation, and developmental
205 29 disabilities services fund created under section 331.424A, as a
205 30 percentage of the county's gross expenditures from that fund
205 31 for that fiscal year. If a county borrowed moneys for purposes
205 32 of providing services from the county's services fund on or
205 33 before July 1, 2010, and the county's services fund ending
205 34 balance for that fiscal year includes the loan proceeds or an
205 35 amount designated in the county budget to service the loan for



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206 1 the borrowed moneys, those amounts shall not be considered
206 2 to be part of the county's ending balance for purposes of
206 3 calculating an ending balance percentage under this subsection.
206 4 c. For purposes of calculating withholding factors and for
206 5 ending balance amounts used for other purposes under law, the
206 6 county ending balances shall be adjusted, using forms developed
206 7 for this purpose by the county finance committee, to disregard
206 8 the temporary funding increase provided to the counties for
206 9 the fiscal year through the federal American Recovery and
206 10 Reinvestment Act of 2009, Pub. L. No. 111=5. In addition, a
206 11 county may adjust the ending balance amount by rebating to the
206 12 department all or a portion of the allowed growth and MH/DD
206 13 services fund moneys the county received for the fiscal year
206 14 beginning July 1, 2011, in accordance with this Act, or from
206 15 any other services fund moneys available to the county. The
206 16 rebate must be remitted to the department on or before June 1,
206 17 2012, in order to be counted. The amount rebated by a county
206 18 shall be subtracted dollar=for=dollar from the county's ending
206 19 balance amount for the fiscal year beginning July 1, 2010,
206 20 for purposes of calculating the withholding factor and for
206 21 other ending balance purposes for the fiscal year beginning
206 22 July 1, 2012. The rebates received by the department shall be
206 23 credited to the property tax relief fund and distributed as
206 24 additional funding for the fiscal year beginning July 1, 2012,
206 25 in accordance with the formula provisions in this section.
206 26 d. The withholding factor for a county shall be the
206 27 following applicable percent:
206 28 (1) For an ending balance percentage of less than 5
206 29 percent, a withholding factor of 0 percent. In addition,
206 30 a county that is subject to this lettered paragraph shall
206 31 receive an inflation adjustment equal to 3 percent of the gross
206 32 expenditures reported for the county's services fund for the
206 33 fiscal year.
206 34 (2) For an ending balance percentage of 5 percent or more
206 35 but less than 10 percent, a withholding factor of 0 percent.



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207 1 In addition, a county that is subject to this lettered
207 2 paragraph shall receive an inflation adjustment equal to 2
207 3 percent of the gross expenditures reported for the county's
207 4 services fund for the fiscal year.

207 5 (3) For an ending balance percentage of 10 percent or more
207 6 but less than 25 percent, a withholding factor of 25 percent.
207 7 However, for counties with an ending balance of 10 percent or
207 8 more but less than 15 percent, the amount withheld shall be
207 9 limited to the amount by which the county's ending balance was
207 10 in excess of the ending balance percentage of 10 percent.

207 11 (4) For an ending balance percentage of 25 percent or more,
207 12 a withholding percentage of 100 percent.

207 13 6. The total withholding amounts applied pursuant to
207 14 subsection 5 shall be equal to a withholding target amount of
207 15 \$13,075,453. If the department of human services determines
207 16 that the amount appropriated is insufficient or the amount to
207 17 be withheld in accordance with subsection 5 is not equal to
207 18 the target withholding amount, the department shall adjust the
207 19 withholding factors listed in subsection 5 as necessary to
207 20 achieve the target withholding amount. However, in making such
207 21 adjustments to the withholding factors, the department shall
207 22 strive to minimize changes to the withholding factors for those
207 23 ending balance percentage ranges that are lower than others and
207 24 shall only adjust the zero withholding factor or the inflation
207 25 adjustment percentages specified in subsection 5, paragraph
207 26 "d", when the amount appropriated is insufficient.

207 27 DIVISION XXI

207 28 CONDITIONAL RETROACTIVE APPLICABILITY

207 29 Sec. 171. EFFECTIVE DATE AND RETROACTIVE
207 30 APPLICABILITY. Unless otherwise provided, this Act, if
207 31 approved by the governor on or after July 1, 2011, takes effect
207 32 upon enactment and applies retroactively to July 1, 2011.

207 33 EXPLANATION

207 34 This bill relates to and makes appropriations for health
207 35 and human services for fiscal years 2011=2012 and 2012=2013 to



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Senate Study Bill 1218 continued

208 1 the department of veterans affairs, the Iowa veterans home,
208 2 the department on aging, the department of public health,
208 3 the Iowa finance authority, the state board of regents, the
208 4 department of inspections and appeals, and the department of
208 5 human services. The bill is organized in divisions.
208 6 DEPARTMENT ON AGING ==== FY 2011=2012. This division
208 7 appropriates funding from the general fund of the state for the
208 8 department on aging.
208 9 DEPARTMENT OF PUBLIC HEALTH ==== FY 2011=2012. This division
208 10 appropriates funding from the general fund of the state for the
208 11 department of public health.
208 12 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2011=2012. This
208 13 division appropriates funding from the general fund of the
208 14 state for the department of veterans affairs.
208 15 DEPARTMENT OF HUMAN SERVICES ==== FY 2011=2012. The division
208 16 appropriates funding from the general fund of the state and the
208 17 federal temporary assistance for needy families block grant
208 18 to the department of human services. The allocation for the
208 19 family development and self-sufficiency grant program is made
208 20 directly to the department of human rights.
208 21 An appropriation is made from the health care trust fund for
208 22 the medical assistance (Medicaid) program in addition to the
208 23 general fund appropriation made for this purpose.
208 24 The reimbursement section addresses reimbursement for
208 25 providers reimbursed by the department of human services.
208 26 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
208 27 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
208 28 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
208 29 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
208 30 FUND ==== FY 2011=2012. This division makes appropriations for
208 31 fiscal year 2011=2012. The appropriation to the department
208 32 of inspections and appeals is made from the Medicaid fraud
208 33 account.
208 34 The division makes an appropriation from the pharmaceutical
208 35 settlement account to the department of human services to



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209 1 supplement the medical contracts appropriation.
209 2 The division makes appropriations from the IowaCare
209 3 account to the state board of regents for distribution to the
209 4 university of Iowa hospitals and clinics and to the department
209 5 of human services for distribution to a publicly owned acute
209 6 care teaching hospital in a county with a population over
209 7 350,000 related to the IowaCare program and indigent care. The
209 8 division also makes appropriations from the IowaCare account
209 9 to the department of human services for distribution to the
209 10 regional provider network, a care coordination pool, and a
209 11 laboratory test and radiology pool. The division makes an
209 12 appropriation from the nonparticipating provider reimbursement
209 13 fund to reimburse nonparticipating providers under the IowaCare
209 14 program. The division makes an appropriation to the department
209 15 of human services from the health care transformation account
209 16 for various health care reform initiatives.
209 17 Appropriations are made to supplement the Medicaid program
209 18 from the following funds: quality assurance trust fund,
209 19 Medicaid fraud account, and hospital health care access trust
209 20 fund.
209 21 The division provides that if the total amount appropriated
209 22 from all sources for the medical assistance program for fiscal
209 23 year 2011=2012 exceeds the amount needed, the excess remains
209 24 available to be used for the program in the succeeding fiscal
209 25 year.
209 26 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
209 27 2011=2012. This division allocates the appropriation made in
209 28 2010 Iowa Acts, chapter 1193, for distribution to counties for
209 29 adult mental illness, mental retardation, and developmental
209 30 disabilities services allowed growth for fiscal year 2011=2012.
209 31 The standing appropriation from the general fund of the
209 32 state of \$88.4 million for purposes of the property tax relief
209 33 fund in Code section 426B.1 is reduced to approximately \$81.2
209 34 million for FY 2011=2012.
209 35 PRIOR APPROPRIATIONS AND RELATED PROVISIONS ==== FY 2011=2012.



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Senate Study Bill 1218 continued

210 1 This division addresses previous appropriations and related
210 2 provisions.

210 3 New Code section 16.185 creates the community housing and
210 4 services for persons with disabilities revolving loan program
210 5 fund under the Iowa finance authority.

210 6 Code section 35A.8A, relating to Vietnam conflict veterans
210 7 bonus compensation, is amended to change the application
210 8 deadline from July 1, 2010, to May 1, 2011. This change is
210 9 retroactive to July 1, 2010.

210 10 An appropriation originally enacted in 2008 Iowa Acts,
210 11 chapter 1187, section 68, for the Vietnam conflict veterans
210 12 bonus fund, is amended to provide that upon repeal of the
210 13 bonus fund on June 30, 2011, the balance is transferred to the
210 14 veterans trust fund to be expended at a later date for a bonus
210 15 enacted for veterans of more recent conflicts.

210 16 An existing nonreversion clause for purposes of the
210 17 appropriation made for the injured veterans grant program in
210 18 2008 Iowa Acts, chapter 1187, section 69, is extended through
210 19 FY 2011=2012.

210 20 A provision in 2009 Iowa Acts, chapter 182, section 9,
210 21 requiring the department of human services to maintain a
210 22 behavioral health account, is amended so that unused funds do
210 23 not revert but are retained to be used for crisis stabilization
210 24 and other mental and behavioral health service improvements.

210 25 Unused funds remaining from the allocation made in 2009
210 26 Iowa Acts, chapter 182, section 14, for the child welfare
210 27 decategorization projects are transferred to the community
210 28 housing and services for persons with disabilities revolving
210 29 loan program created in the Act.

210 30 The requirements for an allocation made in 2009 Iowa Acts,
210 31 chapter 183, section 62, for infant and toddler care quality,
210 32 are revised.

210 33 Requirements in 2010 Iowa Acts, chapter 1192, sections 1 and
210 34 37, for quarterly review of reimbursement provisions for case
210 35 management services under the Medicaid program elderly waiver,



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211 1 are deleted.

211 2 Funds remaining from the appropriation made in 2010 Iowa
211 3 Acts, chapter 1192, section 3, for the Iowa veterans home are
211 4 subject to a nonreversion clause under Code section 35D.18.
211 5 The bill provides for the first \$500,000 to be used for the
211 6 Iowa veterans home in the succeeding fiscal year and the
211 7 remainder to be transferred to the department of human services
211 8 to be used for the Medicaid program.

211 9 The appropriation made for the Medicaid program in 2010
211 10 Iowa Acts, chapter 1192, section 11, is amended to allow the
211 11 department of human services to increase the amounts allocated
211 12 for staffing as necessary to implement cost containment efforts
211 13 to accomplish Medicaid program savings.

211 14 Moneys from the general fund of the state are appropriated
211 15 for FY 2010=2011 to be credited to the injured veterans trust
211 16 fund to be used for the injured veterans grant program. The
211 17 moneys appropriated from the general fund do not revert.

211 18 A nonreversion clause is provided for the appropriation made
211 19 for the state supplementary assistance program in 2010 Iowa
211 20 Acts, chapter 1192, section 14.

211 21 Funds appropriated for the child welfare training academy
211 22 in 2010 Iowa Acts, chapter 1192, section 19 that remain at the
211 23 close of the fiscal year do not revert but remain available for
211 24 the purpose designated until the close of the succeeding fiscal
211 25 year.

211 26 Sixty thousand dollars of the appropriation made for
211 27 adoption subsidy for FY 2010=2011 is transferred to the state
211 28 mental health institute at Cherokee to be used for children's
211 29 beds, and the moneys transferred do not revert.

211 30 Appropriations made to the department of human services for
211 31 field operations and general administration in 2010 Iowa Acts,
211 32 chapter 1192, sections 29 and 30, that remain at the close of
211 33 the fiscal year do not revert but remain available for the
211 34 purposes designated until the close of the succeeding fiscal
211 35 year.



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212 1 The appropriation made from the quality assurance fund in
212 2 2010 Iowa Acts, chapter 1192, section 44, for the Medicaid
212 3 program, is increased.

212 4 An appropriation made from the merchant marine bonus fund
212 5 to the department of cultural affairs for FY 2010=2011 is
212 6 transferred to the department of veterans affairs on the
212 7 effective date of the provision. Transferred moneys remaining
212 8 at the close of the fiscal year are required to be credited to
212 9 the veterans trust fund.

212 10 A portion of appropriations made to the department of human
212 11 services for FY 2010=2011 for the state resource center at
212 12 Glenwood is transferred to the Iowa juvenile home appropriation
212 13 and for the state resource center at Woodward is transferred
212 14 to the state mental health institute at Independence. This
212 15 provision is retroactively applicable to January 1, 2012.

212 16 For the period of June 1, 2010, and ending June 30, 2011,
212 17 a child welfare funding decategorization project that is
212 18 incorporated and owns real property may utilize project funding
212 19 to purchase liability insurance. This provision applies
212 20 retroactively to June 1, 2010.

212 21 If an accountable health care organization is certified
212 22 by the U.S. government, the department of human services may
212 23 provide certain Medicaid data to the organization for purposes
212 24 of a pilot project to identify cost savings strategies.

212 25 The division takes effect upon enactment and if approved by
212 26 the governor on or after July 1, 2011, applies retroactively
212 27 to June 30, 2011.

212 28 PREVENTION AND CHRONIC CARE MANAGEMENT. This division
212 29 repeals the state initiative for prevention and chronic care
212 30 management in Code section 135.161, directs that the initiative
212 31 be incorporated into the duties of the medical home system
212 32 advisory council, and makes conforming amendments.

212 33 MISCELLANEOUS ==== FY 2011=2012. This division provides
212 34 miscellaneous statutory provisions.

212 35 Code section 29C.20B, relating to disaster case management,



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213 1 is amended to transfer administrative responsibility from the
213 2 department of human services to the homeland security and
213 3 emergency management division.
213 4 Code section 135.106, establishing the healthy opportunities
213 5 for parents to experience success (HOPES) = healthy families
213 6 Iowa (HFI) program, is amended to provide legislative intent
213 7 that the priority for home visitation funding be given to
213 8 approaches using evidence-based or promising models for home
213 9 visitation.
213 10 Code section 135H.6, relating to psychiatric medical
213 11 institutions for children, is amended to provide that beds for
213 12 children who do not reside in this state and whose service
213 13 costs are not paid by public funds are not subject to the
213 14 limitations on the number of beds and certificate of need
213 15 requirements otherwise applicable.
213 16 Code section 147.136, relating to the scope of recovery
213 17 in legal actions for personal injury against a health care
213 18 provider, is amended to provide that recovery of economic
213 19 losses replaced by the Medicaid program is not barred.
213 20 Code section 153.14 is amended to exclude from the
213 21 definition of the practice of dentistry, students of dentistry
213 22 who practice dentistry upon patients at clinics at an
213 23 accredited dental college, rather than only at the state dental
213 24 college.
213 25 Code section 154A.24, subsection 3, relating to hearing
213 26 aid dispensers, is amended to eliminate certain failures in
213 27 advertising from the grounds for suspension or revocation of
213 28 a license.
213 29 Code section 155A.43 is enacted to provide an annual
213 30 allocation of fees collected by the board of pharmacy to
213 31 administer the pharmaceutical collection and disposal program.
213 32 Code section 225B.8, relating to the sunset repeal date for
213 33 the prevention of disabilities planning council, is amended to
213 34 change the date from July 1, 2011, to July 1, 2012.
213 35 The nonreversion clause in Code section 232.188 applicable



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214 1 to carryover funding under the decategorization of child
214 2 welfare funding initiative, is extended for an additional
214 3 fiscal year.
214 4 Code section 235B.19, relating to emergency orders for
214 5 protective services for dependent adults is amended to require
214 6 the department of human services to serve a copy of the
214 7 petition and any order authorizing protective services, on the
214 8 dependent adult and on certain other adults in the priority
214 9 order specified, and prohibits certain activities without prior
214 10 court approval relating to disposal of personal property and
214 11 withdrawing of funds from financial institutions.
214 12 Code section 237A.1, relating to the definition of "child
214 13 care", is amended to provide an exemption from the definition
214 14 when a program is offered to a child in a fitness center or
214 15 on the premises of a nonprofit organization even though the
214 16 parent, guardian, or custodian of the child is employed to
214 17 teach or lead an activity provided in that location.
214 18 Code section 249A.4B is amended to update the name of the
214 19 Iowa primary care association.
214 20 Code section 135.27A, the governor's council on physical
214 21 fitness and nutrition, is repealed December 31, 2011.
214 22 MEDICAID PRESCRIPTION DRUGS. This division relates to
214 23 coverage of prescription drugs under the Medicaid program which
214 24 are prescribed for mental illness.
214 25 The division takes effect upon enactment and applies
214 26 retroactively to January 1, 2011.
214 27 IOWA FALSE CLAIMS ACT. This division includes various
214 28 amendments to the false claims Act in Code chapter 685.
214 29 VOLUNTEER HEALTH CARE PROVIDER PROGRAM. This division
214 30 amends Code section 135.24, relating to the volunteer health
214 31 care provider program and immunity from civil liability under
214 32 the program for hospitals.
214 33 HEALTH CARE COST CONTAINMENT. This division provides for
214 34 the development by the department of human services of cost
214 35 containment measures, including an all-payer claims database



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215 1 and a provider payment system plan pilot.
215 2 HEALTH INFORMATION TECHNOLOGY. This division establishes
215 3 Iowa e=health, to develop, administer, and sustain the health
215 4 information network to improve the quality, safety, and
215 5 efficiency of health care available to Iowans and to manage and
215 6 operate the health information network. The division includes
215 7 provisions relating to guiding principles, goals, and the five
215 8 domains of governance, business and technical operations,
215 9 finance, technical infrastructure, and legal and policy.
215 10 DEPARTMENT ON AGING ==== FY 2012=2013. This division
215 11 appropriates funding from the general fund of the state for the
215 12 department on aging.
215 13 DEPARTMENT OF PUBLIC HEALTH ==== FY 2012=2013. This division
215 14 appropriates funding from the general fund of the state for the
215 15 department of public health.
215 16 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2012=2013. This
215 17 division appropriates funding from the general fund of the
215 18 state for the department of veterans affairs.
215 19 DEPARTMENT OF HUMAN SERVICES ==== FY 2012=2013. This division
215 20 appropriates funding from the general fund of the state and the
215 21 federal temporary assistance for needy families block grant for
215 22 the department of human services.
215 23 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
215 24 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
215 25 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
215 26 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
215 27 FUND ==== FY 2012=2013. This division appropriates funding from
215 28 various funds and accounts for purposes of health and human
215 29 services.
215 30 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
215 31 2012=2013. This division appropriates and distributes funding
215 32 to counties for adult mental health, mental retardation, and
215 33 developmental disabilities allowed growth for FY 2012=2013.
215 34 EFFECTIVE DATE AND CONDITIONAL RETROACTIVE APPLICABILITY.
215 35 This division specifies that unless otherwise provided, if



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216 1 the bill is approved on or after July 1, 2011, the bill takes
216 2 effect upon enactment and is retroactively applicable to July
216 3 1, 2011.

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Senate Study Bill 1219

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to the finances of state and local government
2 by providing for funding of property tax credits and
3 reimbursements, by making and adjusting appropriations,
4 providing for salaries and compensation of state employees,
5 providing for matters relating to tax credits, providing for
6 fees and penalties, providing for legal responsibilities,
7 and providing for properly related matters, and including
8 effective date and retroactive and other applicability
9 provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2824XC (22) 84
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1 1 DIVISION I
1 2 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2011=2012
1 3 Section 1. BUDGET PROCESS FOR FISCAL YEAR 2012=2013.
1 4 1. For the budget process applicable to the fiscal year
1 5 beginning July 1, 2012, on or before October 1, 2011, in lieu
1 6 of the information specified in section 8.23, subsection 1,
1 7 unnumbered paragraph 1, and paragraph "a", all departments and
1 8 establishments of the government shall transmit to the director
1 9 of the department of management, on blanks to be furnished by
1 10 the director, estimates of their expenditure requirements,
1 11 including every proposed expenditure, for the ensuing fiscal
1 12 year, together with supporting data and explanations as called
1 13 for by the director of the department of management after
1 14 consultation with the legislative services agency.
1 15 2. The estimates of expenditure requirements shall be
1 16 in a form specified by the director of the department of
1 17 management, and the expenditure requirements shall include all
1 18 proposed expenditures and shall be prioritized by program or
1 19 the results to be achieved. The estimates shall be accompanied
1 20 by performance measures for evaluating the effectiveness of the
1 21 programs or results.
1 22 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
1 23 Notwithstanding the standing appropriations in the following
1 24 designated sections for the fiscal year beginning July 1, 2011,
1 25 and ending June 30, 2012, the amounts appropriated from the
1 26 general fund of the state pursuant to these sections for the
1 27 following designated purposes shall not exceed the following
1 28 amounts:
1 29 1. For operational support grants and community cultural
1 30 grants under section 99F.11, subsection 3, paragraph "d",
1 31 subparagraph (1):
1 32 \$ 416,702
1 33 2. For regional tourism marketing under section 99F.11,
1 34 subsection 3, paragraph "d", subparagraph (2):
1 35 \$ 810,306



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2 1 3. For the center for congenital and inherited disorders
2 2 central registry under section 144.13A, subsection 4, paragraph
2 3 "a":
2 4 \$ 171,121
2 5 4. For primary and secondary child abuse prevention
2 6 programs under section 144.13A, subsection 4, paragraph "a":
2 7 \$ 217,772
2 8 5. For programs for at-risk children under section 279.51:
2 9 \$ 10,728,891
2 10 The amount of any reduction in this subsection shall be
2 11 prorated among the programs specified in section 279.51,
2 12 subsection 1, paragraphs "a", "b", and "c".
2 13 6. For payment for nonpublic school transportation under
2 14 section 285.2:
2 15 \$ 7,060,931
2 16 If total approved claims for reimbursement for nonpublic
2 17 school pupil transportation exceed the amount appropriated in
2 18 accordance with this subsection, the department of education
2 19 shall prorate the amount of each approved claim.
2 20 7. For reimbursement for the homestead property tax credit
2 21 under section 425.1:
2 22 \$ 86,188,387
2 23 8. For reimbursement for the family farm and agricultural
2 24 land tax credits under sections 425A.1 and 426.1:
2 25 \$ 32,395,131
2 26 9. For the enforcement of chapter 453D relating to tobacco
2 27 product manufacturers under section 453D.8:
2 28 \$ 18,416
2 29 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID === FY 2011=2012. In
2 30 lieu of the appropriation provided in section 257.20,
2 31 subsection 2, the appropriation for the fiscal year
2 32 beginning July 1, 2011, and ending June 30, 2012, for paying
2 33 instructional support state aid under section 257.20 for fiscal
2 34 year 2011=2012 is zero.
2 35 Sec. 4. Section 256.30, unnumbered paragraph 1, Code 2011,



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3 1 is amended by striking the unnumbered paragraph and inserting
3 2 in lieu thereof the following:
3 3 For the fiscal year beginning July 1, 2011, and ending
3 4 June 30, 2012, and for each succeeding fiscal year, there
3 5 is appropriated from the general fund of the state to the
3 6 department the sum of one hundred thousand dollars. The
3 7 department shall distribute the appropriation to the tribal
3 8 council of the Sac and Fox Indian settlement for expenses of
3 9 educating American Indian children residing in the Sac and Fox
3 10 Indian settlement on land held in trust by the secretary of
3 11 the interior of the United States in excess of federal moneys
3 12 paid to the tribal council for educating the American Indian
3 13 children when moneys are appropriated for that purpose. The
3 14 tribal council shall administer the moneys distributed pursuant
3 15 to this section and shall submit an annual report and other
3 16 reports as required by the department to the department on the
3 17 expenditure of the moneys.
3 18 Sec. 5. Section 257.35, Code 2011, is amended by adding the
3 19 following new subsection:
3 20 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
3 21 addition to the reduction applicable pursuant to subsection
3 22 2, the state aid for area education agencies and the portion
3 23 of the combined district cost calculated for these agencies
3 24 for the fiscal year beginning July 1, 2011, and ending June
3 25 30, 2012, shall be reduced by the department of management by
3 26 twenty million dollars. The reduction for each area education
3 27 agency shall be prorated based on the reduction that the agency
3 28 received in the fiscal year beginning July 1, 2003.
3 29 DIVISION II
3 30 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2011=2012
3 31 Sec. 6. APPOINTED STATE OFFICERS.
3 32 1. The governor shall establish a salary for appointed
3 33 nonelected persons in the executive branch of state government
3 34 holding a position enumerated in and within the salary
3 35 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,



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4 1 by considering, among other items, the experience of the
4 2 individual in the position, changes in the duties of the
4 3 position, the incumbent's performance of assigned duties, and
4 4 subordinates' salaries. However, the attorney general shall
4 5 establish the salary for the consumer advocate, the chief
4 6 justice of the supreme court shall establish the salary for the
4 7 state court administrator, the ethics and campaign disclosure
4 8 board shall establish the salary of the executive director, and
4 9 the Iowa public broadcasting board shall establish the salary
4 10 of the administrator of the public broadcasting division of the
4 11 department of education, each within the salary range provided
4 12 in 2008 Iowa Acts, chapter 1191, section 14.

4 13 2. The governor, in establishing salaries as provided in
4 14 this section, shall take into consideration other employee
4 15 benefits which may be provided for an individual including but
4 16 not limited to housing.

4 17 3. A person whose salary is established pursuant to this
4 18 section and who is a full-time, year-round employee of the
4 19 state shall not receive any other remuneration from the state
4 20 or from any other source for the performance of that person's
4 21 duties unless the additional remuneration is first approved by
4 22 the governor or authorized by law. However, this provision
4 23 does not exclude the reimbursement for necessary travel and
4 24 expenses incurred in the performance of duties or fringe
4 25 benefits normally provided to employees of the state.

4 26 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
4 27 various state departments, boards, commissions, councils,
4 28 and agencies, including the state board of regents, for
4 29 the fiscal year beginning July 1, 2011, and ending June 30,
4 30 2012, shall provide from available sources pay adjustments,
4 31 expense reimbursements, and related benefits to fully fund the
4 32 following:

4 33 1. The collective bargaining agreement negotiated pursuant
4 34 to chapter 20 for employees in the blue collar bargaining unit.

4 35 2. The collective bargaining agreement negotiated pursuant



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5 1 to chapter 20 for employees in the public safety bargaining
5 2 unit.
5 3 3. The collective bargaining agreement negotiated pursuant
5 4 to chapter 20 for employees in the security bargaining unit.
5 5 4. The collective bargaining agreement negotiated pursuant
5 6 to chapter 20 for employees in the technical bargaining unit.
5 7 5. The collective bargaining agreement negotiated pursuant
5 8 to chapter 20 for employees in the professional fiscal and
5 9 staff bargaining unit.
5 10 6. The collective bargaining agreement negotiated pursuant
5 11 to chapter 20 for employees in the clerical bargaining unit.
5 12 7. The collective bargaining agreement negotiated pursuant
5 13 to chapter 20 for employees in the professional social services
5 14 bargaining unit.
5 15 8. The collective bargaining agreement negotiated pursuant
5 16 to chapter 20 for employees in the community-based corrections
5 17 bargaining unit.
5 18 9. The collective bargaining agreements negotiated
5 19 pursuant to chapter 20 for employees in the judicial branch of
5 20 government bargaining units.
5 21 10. The collective bargaining agreement negotiated pursuant
5 22 to chapter 20 for employees in the patient care bargaining
5 23 unit.
5 24 11. The collective bargaining agreement negotiated pursuant
5 25 to chapter 20 for employees in the science bargaining unit.
5 26 12. The collective bargaining agreement negotiated pursuant
5 27 to chapter 20 for employees in the university of northern Iowa
5 28 faculty bargaining unit.
5 29 13. The collective bargaining agreement negotiated pursuant
5 30 to chapter 20 for employees in the state university of Iowa
5 31 graduate student bargaining unit.
5 32 14. The collective bargaining agreement negotiated pursuant
5 33 to chapter 20 for employees in the state university of Iowa
5 34 hospital and clinics tertiary health care bargaining unit.
5 35 15. The annual pay adjustments, related benefits, and



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6 1 expense reimbursements referred to in the sections of this
6 2 division of this Act addressing noncontract state and state
6 3 board of regents employees who are not covered by a collective
6 4 bargaining agreement.

6 5 Sec. 8. STATE EMPLOYEES ==== STATE BOARD OF REGENTS. For
6 6 the fiscal year beginning July 1, 2011, and ending June 30,
6 7 2012, funds shall be provided from available sources of the
6 8 state board of regents for funding of collective bargaining
6 9 agreements for state board of regents employees covered by
6 10 such agreements and for the following state board of regents
6 11 employees not covered by a collective bargaining agreement:

6 12 1. Regents merit system employees and merit supervisory
6 13 employees.

6 14 2. Faculty members and professional and scientific
6 15 employees.

6 16 Sec. 9. BONUS PAY. For the fiscal year beginning July 1,
6 17 2011, and ending June 30, 2012, employees of the executive
6 18 branch, judicial branch, and legislative branch shall not
6 19 receive bonus pay unless otherwise authorized by law, required
6 20 pursuant to a contract of employment entered into before July
6 21 1, 2011, or required pursuant to a collective bargaining
6 22 agreement. This section does not apply to employees of the
6 23 state board of regents. For purposes of this section, "bonus
6 24 pay" means any additional remuneration provided an employee in
6 25 the form of a bonus, including but not limited to a retention
6 26 bonus, recruitment bonus, exceptional job performance pay,
6 27 extraordinary job performance pay, exceptional performance pay,
6 28 extraordinary duty pay, or extraordinary or special duty pay,
6 29 and any extra benefit not otherwise provided to other similarly
6 30 situated employees.

6 31 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the fiscal
6 32 year beginning July 1, 2011, the sworn peace officers in the
6 33 department of public safety who are not covered by a collective
6 34 bargaining agreement negotiated pursuant to chapter 20 shall
6 35 receive the same per diem meal allowance as the sworn peace



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7 1 officers in the department of public safety who are covered
7 2 by a collective bargaining agreement negotiated pursuant to
7 3 chapter 20.

7 4 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary model
7 5 administrator shall work in conjunction with the legislative
7 6 services agency to maintain the state's salary model used for
7 7 analyzing, comparing, and projecting state employee salary
7 8 and benefit information, including information relating to
7 9 employees of the state board of regents. The department of
7 10 revenue, the department of administrative services, the five
7 11 institutions under the jurisdiction of the state board of
7 12 regents, the judicial district departments of correctional
7 13 services, and the state department of transportation shall
7 14 provide salary data to the department of management and the
7 15 legislative services agency to operate the state's salary
7 16 model. The format and frequency of provision of the salary
7 17 data shall be determined by the department of management and
7 18 the legislative services agency. The information shall be
7 19 used in collective bargaining processes under chapter 20 and
7 20 in calculating the funding needs contained within the annual
7 21 salary adjustment legislation. A state employee organization
7 22 as defined in section 20.3, subsection 4, may request
7 23 information produced by the model, but the information provided
7 24 shall not contain information attributable to individual
7 25 employees.

7 26 DIVISION III

7 27 PERFORMANCE OF DUTY

7 28 Sec. 12. Section 7D.10, Code 2011, is amended to read as
7 29 follows:

7 30 7D.10 Court costs.

7 31 If sufficient funds for court costs have not been
7 32 appropriated to a state department, or if sufficient funds are
7 33 not otherwise available for such purposes within the budget
7 34 of a state department, the executive council may ~~pay, out of~~
~~7 35 any money in the state treasury not otherwise appropriated,~~



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~~8 1~~ authorize, in accordance with section 7D.29, payment of
8 2 the expenses incurred, or costs taxed to the state, in any
8 3 proceeding brought by or against any of the state departments
8 4 or in which the state is a party or is interested. This section
8 5 shall not be construed to authorize the payment of travel or
8 6 other personal expenses of state officers or employees.
8 7 Sec. 13. Section 7D.10A, as amended by 2011 Iowa Acts,
8 8 Senate File 478, section 11, as enacted, is amended to read as
8 9 follows:
8 10 7D.10A ~~Allocation~~ Payment to livestock remediation fund.
8 11 If moneys are not sufficient to support the livestock
8 12 remediation fund as provided in chapter 459, subchapter V, the
8 13 executive council may ~~allocate from moneys in the general fund~~
~~8 14 of the state, which are not otherwise obligated or encumbered,~~
~~8 15~~ authorize as an expense subject to section 7D.29 the payment
8 16 of an amount to the livestock remediation fund as provided
8 17 under section 459.501, subsection 5. However, not more than a
8 18 total of one million dollars ~~shall be allocated~~ shall be paid
8 19 pursuant to this section to the livestock remediation fund at
8 20 any time.
8 21 Sec. 14. Section 7D.29, Code 2011, is amended to read as
8 22 follows:
8 23 7D.29 Performance of duty == expense.
8 24 1. The executive council shall not employ others, or ~~incur~~
~~8 25~~ authorize any expense, for the purpose of performing any duty
8 26 imposed upon the council when the duty may, without neglect
8 27 of their usual duties, be performed by the members, or by
8 28 their regular employees, but, subject to this limitation, the
8 29 council may ~~incur~~ authorize the necessary expense to perform or
8 30 cause to be performed any legal duty imposed on the council,
~~8 31 and pay the same out of any money in the state treasury not~~
~~8 32 otherwise appropriated. Such expenses authorized by the~~
8 33 executive council in accordance with this section shall be paid
8 34 as follows:
8 35 a. From the appropriation made from the Iowa economic



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9 1 emergency fund in section 8.55 for purposes of paying the
9 2 expenses authorized by the executive council under this
9 3 section.

9 4 b. To the extent the appropriation from the Iowa economic
9 5 emergency fund described in paragraph "a" is insufficient to
9 6 pay the expenses authorized by the executive council under this
9 7 section, there is appropriated from moneys in the general fund
9 8 of the state not otherwise appropriated the amount necessary to
9 9 fund the insufficiency.

9 10 2. At least two weeks prior to the executive council's
9 11 approval of a payment authorization under this section,
9 12 the secretary of the executive council shall notify the
9 13 legislative services agency that the authorization request
9 14 will be considered by the executive council and shall provide
9 15 background information justifying the request.

9 16 3. The executive council shall receive requests from the
9 17 Iowa department of public health relative to the purchase,
9 18 storing, and distribution of vaccines and medication for
9 19 prevention, prophylaxis, or treatment. Upon review and after
9 20 compliance with subsection 2, the executive council may approve
9 21 the request and may ~~incur~~ authorize payment of the necessary
9 22 expense ~~and pay the same out of any money in the state treasury~~
~~9 23 not otherwise appropriated.~~ The expense authorized by the
9 24 executive council under this subsection shall be paid from the
9 25 appropriations referred to in subsection 1.

9 26 Sec. 15. Section 7D.30, Code 2011, is amended to read as
9 27 follows:

9 28 7D.30 Necessary record.

9 29 Before ~~incurring~~ authorizing any expense ~~authorized by~~ in
9 30 accordance with section 7D.29, the executive council shall,
9 31 in each case, by resolution, entered upon its records, set
9 32 forth the necessity for ~~incurring~~ authorizing such expense,
9 33 the special fitness of the one employed to perform such work,
9 34 the definite rate of compensation or salary allowed, and the
9 35 total amount of money that may be expended. Compensation or



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10 1 salary for personal services in such cases must be determined
10 2 by unanimous vote of all members of the council.
10 3 Sec. 16. Section 8.55, subsection 3, paragraph a, Code 2011,
10 4 is amended to read as follows:
10 5 a. Except as provided in paragraphs "b", ~~and~~ "c", and
10 6 "0d", the moneys in the Iowa economic emergency fund shall
10 7 only be used pursuant to an appropriation made by the general
10 8 assembly. An appropriation shall only be made for the fiscal
10 9 year in which the appropriation is made. The moneys shall
10 10 only be appropriated by the general assembly for emergency
10 11 expenditures.
10 12 Sec. 17. Section 8.55, subsection 3, Code 2011, is amended
10 13 by adding the following new paragraph:
10 14 NEW PARAGRAPH. 0d. There is appropriated from the Iowa
10 15 economic emergency fund to the executive council an amount
10 16 sufficient to pay the expenses authorized by the executive
10 17 council in accordance with section 7D.29.
10 18 Sec. 18. Section 8A.321, subsection 4, Code 2011, is amended
10 19 to read as follows:
10 20 4. Contract, with the approval of the executive council,
10 21 for the repair, remodeling, or, if the condition warrants,
10 22 demolition of all buildings and grounds of the state at
10 23 the seat of government, at the state laboratories facility
10 24 in Ankeny, and the institutions of the department of human
10 25 services and the department of corrections for which no
10 26 specific appropriation has been made, if the cost of repair,
10 27 remodeling, or demolition will not exceed one hundred thousand
10 28 dollars when completed. The cost of repair projects for which
10 29 no specific appropriation has been made shall be paid ~~from~~
~~10 30 the fund~~ as an expense authorized by the executive council as
10 31 provided in section 7D.29.
10 32 Sec. 19. Section 8A.321, subsection 6, paragraphs a and b,
10 33 Code 2011, are amended to read as follows:
10 34 a. Lease all buildings and office space necessary to
10 35 carry out the provisions of this subchapter or necessary for



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11 1 the proper functioning of any state agency at the seat of
11 2 government. For state agencies at the seat of government, the
11 3 director may lease buildings and office space in Polk county
11 4 or in a county contiguous to Polk county. If no specific
11 5 appropriation has been made, the proposed lease shall be
11 6 submitted to the executive council for ~~approval~~ authorization
11 7 as an expense in accordance with section 7D.29. ~~The cost of~~

~~11 8 any lease for which no specific appropriation has been made~~
~~11 9 shall be paid from the fund provided in section 7D.29.~~

11 10 b. When the general assembly is not in session, the
11 11 director may request moneys from the executive council for
11 12 moving state agencies located at the seat of government from
11 13 one location to another. The request may include moving
11 14 costs, telecommunications costs, repair costs, or any other
11 15 costs relating to the move. The executive council may ~~approve~~
~~11 16 and shall pay the costs from funds~~ authorize the expenses
11 17 as provided in section 7D.29 if it determines the agency or
11 18 department ~~has no available~~ does not have funds available for
11 19 these expenses.

11 20 Sec. 20. Section 11.32, as amended by 2011 Iowa Acts,
11 21 House File 536, section 26, as enacted, is amended to read as
11 22 follows:

11 23 11.32 Certified accountants employed.

11 24 Nothing in this chapter shall prohibit the auditor of state,
11 25 with the prior written permission of the state executive
11 26 council, from employing certified public accountants for
11 27 specific assignments. The auditor of state may employ such
11 28 accountants for any assignment ~~now~~ expressly reserved to the
11 29 auditor of state. Payments, after approval by the executive
11 30 council, ~~will~~ shall be made to the accountants so employed from
11 31 funds from which the auditor of state would have been paid had
11 32 the auditor of state performed the assignment, or if ~~no~~ such
11 33 specific funds are ~~indicated~~ not available, then ~~payment will~~
~~11 34 be made from the funds of~~ authorization of the expense by the
11 35 executive council shall be requested in accordance with section



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12 1 7D.29.

12 2 Sec. 21. Section 13.3, subsection 2, Code 2011, is amended
12 3 to read as follows:

12 4 2. If the governor or a department is represented by an
12 5 attorney other than the attorney general in a court proceeding
12 6 as provided in this section, at the conclusion of the court
12 7 proceedings, the court shall review the fees charged to the
12 8 state to determine if the fees are fair and reasonable. The
12 9 executive council shall not ~~reimburse~~ authorize reimbursement
12 10 of attorney fees in excess of those determined by the court to
12 11 be fair and reasonable.

12 12 Sec. 22. Section 13.7, Code 2011, is amended to read as
12 13 follows:

12 14 13.7 Special counsel.

12 15 Compensation shall not be allowed to any person for services
12 16 as an attorney or counselor to an executive department of
12 17 the state government, or the head ~~thereof~~ of an executive
12 18 department of state government, or to a state board or
12 19 commission. However, the executive council may employ
12 20 legal assistance, at a reasonable compensation, authorized
12 21 as an expense under section 7D.29, in a pending action or
12 22 proceeding to protect the interests of the state, but only
12 23 upon a sufficient showing, in writing, made by the attorney
12 24 general, that the department of justice cannot for reasons
12 25 stated by the attorney general perform the service, ~~which~~.
12 26 The reasons and action of the council shall be entered upon
12 27 its records. ~~When~~ If the attorney general determines that
12 28 the department of justice cannot perform legal service in an
12 29 action or proceeding, the executive council shall request the
12 30 department involved in the action or proceeding to recommend
12 31 legal counsel to represent the department. If the attorney
12 32 general concurs with the department that the person recommended
12 33 is qualified and suitable to represent the department, the
12 34 person recommended shall be employed. If the attorney general
12 35 does not concur in the recommendation, the department shall



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13 1 submit a new recommendation. This section does not affect the
13 2 general counsel for the utilities board of the department of
13 3 commerce, the legal counsel of the department of workforce
13 4 development, or the general counsel for the property assessment
13 5 appeal board.

13 6 Sec. 23. Section 29A.27, unnumbered paragraph 8, Code 2011,
13 7 is amended to read as follows:

13 8 All payments ~~herein~~ provided for under this section shall
13 9 be paid on the approval of the adjutant general from the
13 10 contingent fund of the executive council created in section
13 11 29C.20.

13 12 Sec. 24. Section 29C.8, subsection 3, paragraph f,
13 13 subparagraph (3), Code 2011, is amended to read as follows:

13 14 (3) Upon notification of a compensable loss to a member of
13 15 a homeland security and emergency management response team, the
13 16 department of administrative services shall process the claim
13 17 and seek ~~funding~~ authorization from the executive council ~~for~~
~~13 18 to pay as an expense under section 7D.29~~ those costs associated
13 19 with covered benefits.

13 20 Sec. 25. Section 29C.20, subsection 1, paragraph a,
13 21 unnumbered paragraph 1, Code 2011, is amended to read as
13 22 follows:

13 23 A contingent fund is created in the state treasury for the
13 24 use of the executive council ~~which~~. Funding for the contingent
13 25 fund shall be an authorized expense by the executive council
13 26 under section 7D.29. Moneys in the contingent fund may be

13 27 expended for the following purposes:

13 28 Sec. 26. Section 96.13, subsection 3, paragraph c, Code
13 29 2011, is amended to read as follows:

13 30 c. The department may appear before the executive council
13 31 and request ~~funds~~ authorization of moneys to meet unanticipated
13 32 emergencies as an expense under section 7D.29.

13 33 Sec. 27. Section 135.143, subsection 5, Code 2011, is
13 34 amended to read as follows:

13 35 5. Upon notification of a compensable loss, the department



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14 1 of administrative services shall seek ~~funding~~ authorization
14 2 from the executive council ~~for~~ to pay as an expense under
14 3 section 7D.29 those costs associated with covered workers'
14 4 compensation benefits.
14 5 Sec. 28. Section 135.144, subsection 11, Code 2011, is
14 6 amended to read as follows:
14 7 11. If a public health disaster or other public health
14 8 emergency situation exists which poses an imminent threat
14 9 to the public health, safety, and welfare, the department,
14 10 in conjunction with the governor, may provide financial
14 11 assistance, from funds appropriated to the department that are
14 12 not otherwise encumbered, to political subdivisions as needed
14 13 to alleviate the disaster or the emergency. If the department
14 14 does not have sufficient unencumbered funds, the governor may
14 15 request ~~that the executive council, pursuant to the authority~~
14 16 ~~of section 7D.29, commit sufficient funds, to authorize the~~
14 17 ~~payment of up to one million dollars, that are not otherwise~~
14 18 ~~encumbered from the general fund, as needed and available, for~~
14 19 ~~as an expense under section 7D.29 to alleviate the disaster or~~
14 20 the emergency. If additional financial assistance is required
14 21 in excess of one million dollars, approval by the legislative
14 22 council is also required.
14 23 Sec. 29. Section 163.3A, subsection 4, paragraph b, Code
14 24 2011, is amended to read as follows:
14 25 b. The department shall provide and update a list of
14 26 the registered members of each emergency response team,
14 27 including the members' names and identifying information, to
14 28 the department of administrative services. Upon notification
14 29 of a compensable loss suffered by a registered member, the
14 30 department of administrative services shall seek ~~funding~~
14 31 ~~authorization~~ from the executive council ~~for~~ to pay as an
14 32 expense under section 7D.29 those costs associated with covered
14 33 benefits.
14 34 Sec. 30. Section 163.10, Code 2011, is amended to read as
14 35 follows:



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15 1 163.10 Quarantining or destroying animals.

15 2 The department may quarantine or destroy any animal exposed
15 3 to or afflicted with an infectious or contagious disease.

15 4 However, cattle exposed to or infected with tuberculosis shall
15 5 not be destroyed without the owner's consent, unless there are
15 6 sufficient moneys to reimburse the owner for the cattle, which
15 7 may be paid ~~from the appropriation~~ as an expense authorized
15 8 under section 7D.29 as provided in section 163.15, from moneys
15 9 in the brucellosis and tuberculosis eradication fund created
15 10 in section 165.18, or from moneys made available by the United
15 11 States department of agriculture.

15 12 Sec. 31. Section 163.15, subsection 2, paragraph a,
15 13 subparagraph (3), Code 2011, is amended to read as follows:

15 14 (3) A claim for an indemnity by the owner and a claim for
15 15 compensation and expenses by the appraisers shall be filed with
15 16 the department and submitted by the secretary of agriculture
15 17 to the executive council for ~~its approval or disapproval~~
~~15 18 authorization of payment of the claim as an expense under~~
15 19 section 7D.29.

15 20 Sec. 32. Section 163.15, subsection 2, paragraph a,
15 21 subparagraph (4), Code 2011, is amended by striking the
15 22 subparagraph.

15 23 Sec. 33. Section 163.15, subsection 2, paragraph b,
15 24 unnumbered paragraph 1, Code 2011, is amended to read as
15 25 follows:

15 26 A formula established by rule adopted by the department that
15 27 is effective as determined by the department in accordance
15 28 with chapter 17A and applicable upon approval of the ~~plan~~
~~15 29 program~~ of eradication ~~approved~~ by the executive council.
15 30 The formula shall be applicable to indemnify owners if the
15 31 executive council, upon recommendation by the secretary of
15 32 agriculture, determines that an animal population in this state
15 33 is threatened with infection from an exceptionally contagious
15 34 disease.

15 35 Sec. 34. Section 163.15, subsection 2, paragraph b,



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16 1 subparagraph (4), Code 2011, is amended to read as follows:

16 2 (4) ~~Upon approval by the~~ The executive council, there is
~~16 3 appropriated to the department from any moneys in the general~~
~~16 4 fund of the state not otherwise appropriated moneys sufficient~~
~~16 5 to carry out the~~ may authorize payment under the provisions of
16 6 this paragraph "b" as an expense under section 7D.29.

16 7 Sec. 35. Section 307.45, subsection 3, Code 2011, is amended
16 8 to read as follows:

16 9 3. Assessments against property owned by the state and
16 10 not under the jurisdiction and control of the department's
16 11 administrator of highways shall be made in the same manner
16 12 as those made against private property and payment shall
16 13 be ~~made~~ paid as an expense under section 7D.29, subject to
16 14 authorization by the executive council ~~from any funds of the~~
~~16 15 state not otherwise appropriated.~~

16 16 Sec. 36. Section 384.56, subsection 1, Code 2011, is amended
16 17 to read as follows:

16 18 1. Cities may assess the cost of a public improvement which
16 19 extends through, abuts upon, or is adjacent to lands owned by
16 20 the state, and ~~the executive council shall pay~~ payment for the
16 21 assessable portion of the cost of the improvement through or
16 22 along the lands as provided shall be subject to authorization
16 23 by the executive council as an expense under section 7D.29.
~~16 24 The executive council shall pay assessments as and payable in~~
16 25 the manner provided in section 307.45 for property owned by the
16 26 state and not under the jurisdiction and control of the state
16 27 department of transportation.

16 28 Sec. 37. Section 459.501, subsection 5, as amended by 2011
16 29 Iowa Acts, Senate File 478, section 1, as enacted, is amended
16 30 to read as follows:

16 31 5. The following shall apply to moneys in the fund:

16 32 a. (1) ~~The executive council may allocate moneys from the~~
~~16 33 general fund of the state as~~ authorize payment of moneys as
16 34 an expense under section 7D.29 and in the manner provided in
16 35 section 7D.10A in an amount necessary to support the fund,



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17 1 including the following:

17 2 (a) The payment of claims as provided in section 459.505.

17 3 (b) The allocation of moneys to the department of
17 4 agriculture and land stewardship for the payment of expenses
17 5 incurred by the department of agriculture and land stewardship
17 6 associated with providing for the sustenance and disposition of
17 7 livestock pursuant to chapter 717.

17 8 (2) Notwithstanding subparagraph (1), the allocation of
~~17 9 moneys from the general fund of the state executive council's~~
17 10 authorization for payment shall be made provided only if the
17 11 amount of moneys in the fund, which are not obligated or
17 12 encumbered, and not counting the department's estimate of the
17 13 cost to the fund for pending or unsettled claims, the amount
17 14 to be allocated to the department of agriculture and land
17 15 stewardship, and any amount required to be credited to the
17 16 general fund of the state under this subsection, is less than
17 17 one million dollars.

17 18 b. The department of natural resources shall credit an
17 19 amount to the ~~general fund of the state~~ from which the expense
17 20 authorized by the executive council as provided in paragraph
17 21 "a" was appropriated which is equal to an amount allocated to
17 22 support the livestock remediation fund by the executive council
17 23 under paragraph "a". ~~The~~ However, the department shall only be
17 24 required to credit the moneys to the general such fund of the
~~17 25 state if the moneys in the livestock remediation fund which are~~
17 26 not obligated or encumbered, and not counting the department's
17 27 estimate of the cost to the livestock remediation fund for
17 28 pending or unsettled claims, the amount to be allocated to the
17 29 department of agriculture and land stewardship, and any amount
17 30 required to be transferred to the general fund under from which
17 31 appropriated as described in this paragraph, are in excess of
17 32 two million five hundred thousand dollars. The department is
17 33 not required to credit the total amount to the general fund
17 34 of the state from which appropriated as described in this
17 35 paragraph during any one fiscal year.



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18 1 Sec. 38. Section 468.43, unnumbered paragraph 4, Code 2011,
18 2 is amended to read as follows:

18 3 The assessments against lands under the jurisdiction of the
18 4 department of natural resources shall be paid as an expense
18 5 under section 7D.29, if authorized by the executive council
18 6 upon certification of the amount by the county treasurer.
~~18 7 There is appropriated from any funds in the general fund of the~~
~~18 8 state not otherwise appropriated amounts sufficient to pay the~~
~~18 9 certified assessments.~~

18 10 Sec. 39. Section 568.16, Code 2011, is amended to read as
18 11 follows:

18 12 568.16 Purchase money refunded.

18 13 If the grantee of the state, or the grantee's successors,
18 14 administrators, or assigns, shall be deprived of the land
18 15 conveyed by the state under this chapter by the final decree
18 16 of a court of record for the reason that the conveyance by the
18 17 state ~~passed no title whatever to the land therein did not pass~~
18 18 title to the land described, because title thereto to the land
18 19 had previously for any reason been vested in others, then the
18 20 money so paid by the state for the said land shall be refunded
18 21 by the state to the person or persons entitled thereto to the
18 22 refund, provided the said grantee, or the grantee's successors,
18 23 administrators, or assigns, shall file a certified copy of
18 24 the transcript of the said final decree with the executive
18 25 council within one year from the date of the issuance of
18 26 such decree, and shall also file satisfactory proof with the
18 27 executive council that the action over the title to the land
18 28 was commenced within ten years from the date of the issuance of
18 29 patent or deed by the state. The amount of money to be refunded
18 30 under the provisions of this section shall be certified
~~18 31 authorized and paid by the executive council to the director~~
~~18 32 of the department of administrative services, who shall draw a~~
~~18 33 warrant therefor, and the same shall be paid out of the general~~
~~18 34 fund as an expense under section 7D.29.~~

18 35 Sec. 40. Section 602.10133, Code 2011, is amended to read



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19 1 as follows:

19 2 602.10133 Costs and expenses.

19 3 The court costs incident to such proceedings, and the
19 4 reasonable expense of ~~said~~ the judges in attending ~~said~~ the
19 5 hearing after being approved by the supreme court shall be paid
19 6 as ~~court costs~~ an expense authorized by the executive council
19 7 under section 7D.29.

19 8 Sec. 41. Section 663.44, Code 2011, is amended to read as
19 9 follows:

19 10 663.44 Costs.

19 11 1. If the plaintiff is discharged, the costs shall be
19 12 assessed to the defendant, unless the defendant is an officer
19 13 holding the plaintiff in custody under a commitment, or under
19 14 other legal process, in which case the costs shall be assessed
19 15 to the county. If the plaintiff's application is refused,
19 16 the costs shall be assessed against the plaintiff, and, in
19 17 the discretion of the court, against the person who filed the
19 18 petition in the plaintiff's behalf.

19 19 2. ~~However, where~~ Notwithstanding subsection 1, if
19 20 the plaintiff is confined in any state institution, and is
19 21 discharged in habeas corpus proceedings, or ~~where~~ if the habeas
19 22 corpus proceedings fail, and costs and fees cannot be collected
19 23 from the person liable to pay ~~the same~~ costs and fees, ~~such~~
~~19 24 the costs and fees shall be paid by the county in which such~~
19 25 state institution is located. The facts of such payment and
19 26 the proceedings on which it is based, with a statement of the
19 27 amount of fees or costs incurred, with approval in writing by
19 28 the presiding judge appended to ~~such~~ the statement or endorsed
19 29 ~~thereon~~ on the statement, shall ~~then~~ be certified by the clerk
19 30 of the district court under the seal of office to the state
19 31 executive council. The executive council shall ~~then~~ review
19 32 the proceedings and authorize reimbursement, as expenses under
19 33 section 7D.29, for all such fees and costs or such part ~~thereof~~
~~19 34 of the fees and costs as the executive council shall find finds~~
19 35 justified, and shall notify the director of the department



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20 1 of administrative services to draw a warrant to such county
20 2 treasurer ~~on the state general fund~~ in accordance with section
20 3 7D.29 for the amount authorized. The costs and fees referred
20 4 to above shall include any award of fees made to a court
20 5 appointed attorney representing an indigent party bringing the
20 6 habeas corpus action.

20 7 DIVISION IV

20 8 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2012=2013

20 9 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013=2014.

20 10 1. For the budget process applicable to the fiscal year
20 11 beginning July 1, 2013, on or before October 1, 2012, in lieu
20 12 of the information specified in section 8.23, subsection 1,
20 13 unnumbered paragraph 1, and paragraph "a", all departments and
20 14 establishments of the government shall transmit to the director
20 15 of the department of management, on blanks to be furnished by
20 16 the director, estimates of their expenditure requirements,
20 17 including every proposed expenditure, for the ensuing fiscal
20 18 year, together with supporting data and explanations as called
20 19 for by the director of the department of management after
20 20 consultation with the legislative services agency.

20 21 2. The estimates of expenditure requirements shall be
20 22 in a form specified by the director of the department of
20 23 management, and the expenditure requirements shall include all
20 24 proposed expenditures and shall be prioritized by program or
20 25 the results to be achieved. The estimates shall be accompanied
20 26 by performance measures for evaluating the effectiveness of the
20 27 programs or results.

20 28 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.

20 29 Notwithstanding the standing appropriations in the following
20 30 designated sections for the fiscal year beginning July 1, 2012,
20 31 and ending June 30, 2013, the amounts appropriated from the
20 32 general fund of the state pursuant to these sections for the
20 33 following designated purposes shall not exceed the following
20 34 amounts:

20 35 1. For operational support grants and community cultural



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21 1 grants under section 99F.11, subsection 3, paragraph "d",
21 2 subparagraph (1):
21 3 \$ 208,351
21 4 2. For regional tourism marketing under section 99F.11,
21 5 subsection 3, paragraph "d", subparagraph (2):
21 6 \$ 405,153
21 7 3. For the center for congenital and inherited disorders
21 8 central registry under section 144.13A, subsection 4, paragraph
21 9 "a":
21 10 \$ 85,560
21 11 4. For primary and secondary child abuse prevention
21 12 programs under section 144.13A, subsection 4, paragraph "a":
21 13 \$ 108,886
21 14 5. For programs for at-risk children under section 279.51:
21 15 \$ 10,728,891
21 16 The amount of any reduction in this subsection shall be
21 17 prorated among the programs specified in section 279.51,
21 18 subsection 1, paragraphs "a", "b", and "c".
21 19 6. For payment for nonpublic school transportation under
21 20 section 285.2:
21 21 \$ 3,530,465
21 22 If total approved claims for reimbursement for nonpublic
21 23 school pupil transportation exceed the amount appropriated in
21 24 accordance with this subsection, the department of education
21 25 shall prorate the amount of each approved claim.
21 26 7. For reimbursement for the homestead property tax credit
21 27 under section 425.1:
21 28 \$ 86,188,387
21 29 8. For reimbursement for the family farm and agricultural
21 30 land tax credits under sections 425A.1 and 426.1:
21 31 \$ 32,395,131
21 32 9. For the enforcement of chapter 453D relating to tobacco
21 33 product manufacturers under section 453D.8:
21 34 \$ 9,208
21 35 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID ==== FY



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22 1 2012=2013. In lieu of the appropriation provided in section
22 2 257.20, subsection 2, the appropriation for the fiscal year
22 3 beginning July 1, 2012, and ending June 30, 2013, for paying
22 4 instructional support state aid under section 257.20 for fiscal
22 5 year 2012=2013 is zero.

22 6 DIVISION V

22 7 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2012=2013

22 8 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
22 9 various state departments, boards, commissions, councils,
22 10 and agencies, including the state board of regents, for
22 11 the fiscal year beginning July 1, 2012, and ending June 30,
22 12 2013, shall provide from available sources pay adjustments,
22 13 expense reimbursements, and related benefits to fully fund the
22 14 following:

22 15 1. The collective bargaining agreement negotiated pursuant
22 16 to chapter 20 for employees in the blue collar bargaining unit.

22 17 2. The collective bargaining agreement negotiated pursuant
22 18 to chapter 20 for employees in the public safety bargaining
22 19 unit.

22 20 3. The collective bargaining agreement negotiated pursuant
22 21 to chapter 20 for employees in the security bargaining unit.

22 22 4. The collective bargaining agreement negotiated pursuant
22 23 to chapter 20 for employees in the technical bargaining unit.

22 24 5. The collective bargaining agreement negotiated pursuant
22 25 to chapter 20 for employees in the professional fiscal and
22 26 staff bargaining unit.

22 27 6. The collective bargaining agreement negotiated pursuant
22 28 to chapter 20 for employees in the clerical bargaining unit.

22 29 7. The collective bargaining agreement negotiated pursuant
22 30 to chapter 20 for employees in the professional social services
22 31 bargaining unit.

22 32 8. The collective bargaining agreement negotiated pursuant
22 33 to chapter 20 for employees in the community-based corrections
22 34 bargaining unit.

22 35 9. The collective bargaining agreements negotiated



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23 1 pursuant to chapter 20 for employees in the judicial branch of
23 2 government bargaining units.
23 3 10. The collective bargaining agreement negotiated pursuant
23 4 to chapter 20 for employees in the patient care bargaining
23 5 unit.
23 6 11. The collective bargaining agreement negotiated pursuant
23 7 to chapter 20 for employees in the science bargaining unit.
23 8 12. The collective bargaining agreement negotiated pursuant
23 9 to chapter 20 for employees in the university of northern Iowa
23 10 faculty bargaining unit.
23 11 13. The collective bargaining agreement negotiated pursuant
23 12 to chapter 20 for employees in the state university of Iowa
23 13 graduate student bargaining unit.
23 14 14. The collective bargaining agreement negotiated pursuant
23 15 to chapter 20 for employees in the state university of Iowa
23 16 hospital and clinics tertiary health care bargaining unit.
23 17 15. The annual pay adjustments, related benefits, and
23 18 expense reimbursements referred to in the sections of this
23 19 division of this Act addressing noncontract state and state
23 20 board of regents employees who are not covered by a collective
23 21 bargaining agreement.
23 22 Sec. 46. STATE EMPLOYEES ==== STATE BOARD OF REGENTS. For
23 23 the fiscal year beginning July 1, 2012, and ending June 30,
23 24 2013, funds shall be provided from available sources of the
23 25 state board of regents for funding of collective bargaining
23 26 agreements for state board of regents employees covered by
23 27 such agreements and for the following state board of regents
23 28 employees not covered by a collective bargaining agreement:
23 29 1. Regents merit system employees and merit supervisory
23 30 employees.
23 31 2. Faculty members and professional and scientific
23 32 employees.
23 33 Sec. 47. BONUS PAY. For the fiscal year beginning July
23 34 1, 2012, and ending June 30, 2013, employees of the executive
23 35 branch, judicial branch, and legislative branch shall not



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24 1 receive bonus pay unless otherwise authorized by law, required
24 2 pursuant to a contract of employment entered into before July
24 3 1, 2012, or required pursuant to a collective bargaining
24 4 agreement. This section does not apply to employees of the
24 5 state board of regents. For purposes of this section, "bonus
24 6 pay" means any additional remuneration provided an employee in
24 7 the form of a bonus, including but not limited to a retention
24 8 bonus, recruitment bonus, exceptional job performance pay,
24 9 extraordinary job performance pay, exceptional performance pay,
24 10 extraordinary duty pay, or extraordinary or special duty pay,
24 11 and any extra benefit not otherwise provided to other similarly
24 12 situated employees.

24 13 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the fiscal
24 14 year beginning July 1, 2012, the sworn peace officers in the
24 15 department of public safety who are not covered by a collective
24 16 bargaining agreement negotiated pursuant to chapter 20 shall
24 17 receive the same per diem meal allowance as the sworn peace
24 18 officers in the department of public safety who are covered
24 19 by a collective bargaining agreement negotiated pursuant to
24 20 chapter 20.

24 21 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary model
24 22 administrator shall work in conjunction with the legislative
24 23 services agency to maintain the state's salary model used for
24 24 analyzing, comparing, and projecting state employee salary
24 25 and benefit information, including information relating to
24 26 employees of the state board of regents. The department of
24 27 revenue, the department of administrative services, the five
24 28 institutions under the jurisdiction of the state board of
24 29 regents, the judicial district departments of correctional
24 30 services, and the state department of transportation shall
24 31 provide salary data to the department of management and the
24 32 legislative services agency to operate the state's salary
24 33 model. The format and frequency of provision of the salary
24 34 data shall be determined by the department of management and
24 35 the legislative services agency. The information shall be



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25 1 used in collective bargaining processes under chapter 20 and
25 2 in calculating the funding needs contained within the annual
25 3 salary adjustment legislation. A state employee organization
25 4 as defined in section 20.3, subsection 4, may request
25 5 information produced by the model, but the information provided
25 6 shall not contain information attributable to individual
25 7 employees.

25 8 DIVISION VI

25 9 CORRECTIVE PROVISIONS

25 10 Sec. 50. Section 8.6, subsection 9A, as enacted by 2011 Iowa
25 11 Acts, House File 45, section 39, is amended to read as follows:

25 12 9A. Budget and tax rate databases. To develop and make
25 13 available to the public a searchable budget database and
25 14 internet site as required under chapter 8G, ~~division~~ subchapter
25 15 I, and to develop and make available to the public a searchable
25 16 tax rate database and internet site as required under chapter
25 17 8G, ~~division~~ subchapter II.

25 18 Sec. 51. Section 8.57E, subsection 3, paragraph a, as
25 19 enacted by 2011 Iowa Acts, Senate File 209, section 30, is
25 20 amended to read as follows:

25 21 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund may be
25 22 used for cash flow purposes during a fiscal year provided that
25 23 any moneys so allocated are returned to the fund by the end of
25 24 that fiscal year.

25 25 Sec. 52. Section 8G.13, as enacted by 2011 Iowa Acts, House
25 26 File 45, section 50, is amended to read as follows:

25 27 8G.13 Updating database.

25 28 To facilitate the department of management's efforts in
25 29 creating and maintaining a searchable database of the taxes
25 30 identified in section 8G.12, subsection ~~3~~ 1, for all taxing
25 31 jurisdictions in the state, each taxing jurisdiction may
25 32 annually be required to report its tax rates to the department
25 33 of management or the department of revenue and shall report any
25 34 changes to its tax rates within thirty days of the change.

25 35 Sec. 53. Section 16.193, subsection 3, paragraph a, Code



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26 1 2011, as amended by 2011 Iowa Acts, Senate File 475, section
26 2 11, is amended to read as follows:

26 3 a. During the term of the Iowa jobs program and Iowa jobs
26 4 II program, the Iowa finance authority shall collect data on
26 5 all of the projects approved for the ~~program~~ programs. The
26 6 department of management and the state agencies associated
26 7 with the projects shall assist the authority with the data
26 8 collection and in developing the report required by this
26 9 subsection. The authority shall report quarterly to the
26 10 governor and the general assembly concerning the data.

26 11 Sec. 54. Section 68A.401, subsection 4, Code 2011, as
26 12 amended by 2011 Iowa Acts, Senate File 475, section 17, is
26 13 amended to read as follows:

26 14 4. Political committees expressly advocating the
26 15 nomination, election, or defeat of candidates for both
26 16 federal office and any elected office created by law or the
26 17 Constitution of the State of Iowa shall file statements and
26 18 reports with the board in addition to any federal reports
26 19 required to be filed with the board. However, a political
26 20 committee that is registered and filing full disclosure
26 21 reports of all financial activities with the federal election
26 22 commission may file verified statements as provided in section
26 23 ~~68B.201A~~ 68A.201A.

26 24 Sec. 55. Section 139A.19, subsection 3, as enacted by 2011
26 25 Iowa Acts, House File 467, section 20, is amended to read as
26 26 follows:

26 27 3. This section does not preclude a hospital, clinic, other
26 28 health facility, or a health care provider from providing
26 29 notification to a care provider under circumstances in
26 30 which the hospital's, clinic's, other health facility's, or
26 31 health care provider's policy provides for notification of
26 32 the hospital's, ~~clinics~~ clinic's, other health facility's,
26 33 or health care provider's own employees of exposure to a
26 34 contagious or infectious disease that is not life-threatening
26 35 if the notice does not reveal a patient's name, unless the



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27 1 patient consents.

27 2 Sec. 56. Section 175.3, subsection 1, paragraph a, Code
27 3 2011, as amended by 2011 Iowa Acts, Senate File 429, section 1,
27 4 is amended to read as follows:

27 5 a. The agricultural development authority is established
27 6 within the department of agriculture and land stewardship. The
27 7 ~~agency~~ authority is constituted as a public instrumentality
27 8 and agency of the state exercising public and essential
27 9 governmental functions.

27 10 Sec. 57. Section 207.22, subsection 3, paragraph b, Code
27 11 2011, as amended by 2011 Iowa Acts, Senate File 475, section
27 12 47, is amended to read as follows:

27 13 b. Acquisition of coal refuse disposal sites and all
27 14 coal refuse thereon will serve the purposes of ~~Tit. IV of~~
27 15 Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25,
27 16 subch. IV, or that public ownership is desirable to meet
27 17 emergency situations and prevent recurrences of the adverse
27 18 effect of past coal mining practices.

27 19 Sec. 58. Section 232.71D, subsection 3, paragraph a,
27 20 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, House
27 21 File 562, section 3, is amended to read as follows:

27 22 Unless any of the circumstances listed in paragraph "b" are
27 23 applicable, cases to which any of the following circumstances
27 24 apply shall not be placed ~~on~~ in the central registry:

27 25 Sec. 59. Section 256.7, subsection 26, paragraph a,
27 26 subparagraph (1), as enacted by 2011 Iowa Acts, Senate File
27 27 453, section 1, is amended to read as follows:

27 28 (1) The rules establishing high school graduation
27 29 requirements shall authorize a school district or
27 30 accredited nonpublic school to consider that any student who
27 31 satisfactorily completes a high school=level unit of English
27 32 or language arts, mathematics, science, or social studies has
27 33 satisfactorily completed a unit of the high school graduation
27 34 requirements for that area as specified in this lettered
27 35 paragraph, and ~~to~~ shall authorize the school district or



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28 1 accredited nonpublic school to issue high school credit for the
28 2 unit to the student.

28 3 Sec. 60. Section 321.34, subsection 20C, paragraph a,
28 4 if enacted by 2011 Iowa Acts, House File 651, section 2, is
28 5 amended to read as follows:

28 6 a. The department, in consultation with the adjutant
28 7 general, shall design combat infantryman badge, combat action
28 8 badge, combat action ribbon, air force combat action medal,
28 9 and combat medical badge distinguishing processed emblems.
28 10 Upon receipt of two hundred fifty orders for ~~special~~ combat
28 11 infantryman badge, combat action badge, combat action ribbon,
28 12 air force combat action medal, or combat medical badge special
28 13 registration plates, accompanied by a start-up fee of twenty
28 14 dollars per order, the department shall begin issuing special
28 15 registration plates with the applicable distinguishing
28 16 processed emblem as provided in paragraphs "b" and "c". The
28 17 minimum order requirement shall apply separately to each of the
28 18 special registration plates created under this subsection.

28 19 Sec. 61. Section 321.34, subsection 25, paragraph a, if
28 20 enacted by 2011 Iowa Acts, House File 651, section 2, is
28 21 amended to read as follows:

28 22 a. The department, in consultation with the adjutant
28 23 general, shall design a civil war sesquicentennial
28 24 distinguishing processed emblem. Upon receipt of two hundred
28 25 fifty orders for ~~special~~ civil war sesquicentennial special
28 26 registration plates, accompanied by a start-up fee of twenty
28 27 dollars per order, the department shall begin issuing special
28 28 registration plates with a civil war sesquicentennial processed
28 29 emblem as provided in paragraph "b".

28 30 Sec. 62. Section 327B.5, Code 2011, is amended to read as
28 31 follows:

28 32 327B.5 Penalty.

28 33 Any person violating the provisions of this chapter shall,
28 34 upon conviction, be subject to a scheduled fine as provided in
28 35 section 805.8A, subsection 13, ~~paragraphs~~ paragraph "f" and ~~"g"~~.



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29 1 Sec. 63. Section 422.110, subsection 5, paragraph a,
29 2 subparagraph (2), if enacted by 2011 Iowa Acts, Senate File
29 3 531, section 17, is amended to read as follows:
29 4 (2) The E=15 plus gasoline promotion tax credit pursuant to
29 5 section 422.11Y.
29 6 Sec. 64. Section 422.11Y, subsection 1, paragraph d, if
29 7 enacted by 2011 Iowa Acts, Senate File 531, section 35, is
29 8 amended to read as follows:
29 9 d. "Tax credit" means the E=15 plus gasoline promotion tax
29 10 credit as provided in this section.
29 11 Sec. 65. Section 422.11Y, subsection 3, unnumbered
29 12 paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,
29 13 section 35, is amended to read as follows:
29 14 The taxes imposed under this division, less the credits
29 15 allowed under section 422.12, shall be reduced by the amount of
29 16 the E=15 plus gasoline promotion tax credit for each tax year
29 17 that the taxpayer is eligible to claim a tax credit under this
29 18 subsection.
29 19 Sec. 66. Section 422.11Y, subsection 6, paragraph b,
29 20 subparagraph (2), if enacted by 2011 Iowa Acts, Senate File
29 21 531, section 35, is amended to read as follows:
29 22 (2) The retail dealer may claim the ethanol promotion
29 23 tax credit as provided in paragraph "a" for the same ethanol
29 24 gallonage used to calculate and claim the E=15 plus gasoline
29 25 promotion tax credit.
29 26 Sec. 67. Section 423.4, subsection 9, unnumbered paragraph
29 27 1, if enacted by 2011 Iowa Acts, Senate File 531, section 59,
29 28 is amended to read as follows:
29 29 A person who qualifies as a biodiesel producer as provided in
29 30 this subsection may apply to the director for a refund of the
29 31 amount of the sales or use tax imposed and paid upon purchases
29 32 made by the person.
29 33 Sec. 68. Section 483A.24A, Code 2011, as amended by 2011
29 34 Iowa Acts, Senate File 194, section 10, is amended to read as
29 35 follows:



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30 1 483A.24A License refunds ==== military service.

30 2 Notwithstanding any provision of this chapter to the
30 3 contrary, a service member deployed for military service, ~~both~~
30 4 as defined in section 29A.1, subsection 3, shall receive a
30 5 refund of that portion of any license fee paid by the service
30 6 member representing the service member's period of military
30 7 service.

30 8 Sec. 69. Section 501.101, subsection 01, as enacted by 2011
30 9 Iowa Acts, House File 348, section 7, is amended to read as
30 10 follows:

30 11 01. "Alternative voting method" means a method of voting
30 12 other than a written ballot, including voting by electronic,
30 13 telephonic, internet, or other means that reasonably ~~allow~~
~~30 14 allows~~ members the opportunity to vote.

30 15 Sec. 70. Section 501A.703, subsection 5, paragraph d, Code
30 16 2011, as amended by 2011 Iowa Acts, House File 348, section 19,
30 17 is amended to read as follows:

30 18 d. If the ballot of the member is received by the
30 19 cooperative on or before the date of the regular members'
30 20 meeting or as otherwise prescribed for an alternative, voting
30 21 method, the ballot or alternative voting method shall be
30 22 accepted and counted as the vote of the absent member.

30 23 Sec. 71. Section 511.8, subsection 22, paragraph i,
30 24 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate
30 25 File 406, section 25, is amended to read as follows:

30 26 Securities held in the legal reserve of a life insurance
30 27 company or association pledged as collateral for financial
30 28 instruments used in highly effective hedging transactions as
30 29 defined in the national association of insurance commissioners'
30 30 ~~Statement~~ statement of ~~Statutory Accounting Principles No.~~
~~30 31 statutory accounting principles no.~~ 86 shall continue to
30 32 be eligible for inclusion ~~on~~ in the legal reserve of the
30 33 life insurance company or association subject to all of the
30 34 following:

30 35 Sec. 72. Section 514J.109, subsection 3, paragraph f,



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31 1 if enacted by 2011 Iowa Acts, House File 597, section 9, is
31 2 amended to read as follows:
31 3 f. The covered person or the covered person's authorized
31 4 representative has provided all the information and forms
31 5 required by the commissioner that are necessary to process an
31 6 external review request pursuant to this section.

31 7 Sec. 73. Section 521F.4, subsection 1, paragraph b, as
31 8 enacted by 2011 Iowa Acts, Senate File 406, section 44, is
31 9 amended to read as follows:

31 10 b. The filing of a risk=based capital report by a health
31 11 organization which indicates that the health organization has
31 12 total adjusted capital which is greater than or equal to its
31 13 company=action=level risk=based capital but less than the
31 14 product of its authorized=control=level risk=based capital and
31 15 three and triggers the trend test determined in accordance with
31 16 the trend test ~~calculations~~ calculation included in the health
31 17 risk=based capital instructions.

31 18 Sec. 74. Section 524.310, subsection 5, paragraph b, Code
31 19 2011, as amended by 2011 Iowa Acts, Senate File 475, section
31 20 120, is amended to read as follows:

31 21 b. A corporate or company name reserved, registered, or
31 22 protected as provided in section 489.109, 490.402, 490.403,
31 23 ~~490A.402~~, 504.402, or 504.403.

31 24 Sec. 75. Section 717.3, subsection 5, paragraph b, Code
31 25 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6,
31 26 is amended to read as follows:

31 27 b. That the department shall assume supervision of and
31 28 provide for the sustenance of the livestock ~~and~~ as provided in
31 29 section 717.4.

31 30 Sec. 76. Section 717.4, subsection 2, as enacted by 2011
31 31 Iowa Acts, Senate File 478, section 7, is amended to read as
31 32 follows:

31 33 2. The court ordered lien shall be for the benefit of the
31 34 department. The amount of the lien shall not be ~~not~~ more than
31 35 for expenses incurred in providing sustenance to the livestock



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32 1 pursuant to section 717.3 and providing for the disposition of
32 2 the livestock pursuant to section 717.5.
32 3 Sec. 77. Section 717.4A, as enacted by 2011 Iowa Acts,
32 4 Senate File 478, section 8, is amended to read as follows:
32 5 717.4A Livestock in immediate need of sustenance ==== livestock
32 6 remediation fund.
32 7 The department may utilize the moneys deposited into the
32 8 livestock remediation fund pursuant to section 459.501 to pay
32 9 for any expenses associated with providing sustenance to or
32 10 the disposition of the livestock pursuant to a court order
32 11 entered pursuant to section 717.3 or 717.5. The department
32 12 shall utilize moneys from the fund only to the extent that
32 13 the department determines that expenses cannot be timely
32 14 paid by utilizing the available provisions of sections 717.4
32 15 and 717.5. The department shall deposit any unexpended and
32 16 unobligated moneys in the fund. The department shall pay to
32 17 the fund the proceeds from the disposition of the livestock and
32 18 associated products less expenses incurred by the department in
32 19 providing for the sustenance and disposition of the livestock,
32 20 as provided in section 717.5.
32 21 Sec. 78. Section 903A.5, subsection 1, as enacted by 2011
32 22 Iowa Acts, House File 271, section 3, is amended to read as
32 23 follows:
32 24 1. An inmate shall not be discharged from the custody
32 25 of the director of the Iowa department of corrections until
32 26 the inmate has served the full term for which the inmate was
32 27 sentenced, less earned time and other credits earned and not
32 28 forfeited, unless the inmate is pardoned or otherwise legally
32 29 released. Earned time accrued and not forfeited shall apply
32 30 to reduce a mandatory minimum sentence being served pursuant
32 31 to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.
32 32 An inmate shall be deemed to be serving the sentence from the
32 33 day on which the inmate is received into the institution. If
32 34 an inmate was confined to a county jail or other correctional
32 35 or mental facility at any time prior to sentencing, or after



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33 1 sentencing but prior to the case having been decided on appeal,
33 2 because of failure to furnish bail or because of being charged
33 3 with a nonbailable offense, the inmate shall be given credit
33 4 for the days already served upon the term of the sentence.
33 5 However, if a person commits any offense while confined in a
33 6 county jail or other correctional or mental health facility,
33 7 the person shall not be granted ~~jail~~ credit for that offense.
33 8 Unless the inmate was confined in a correctional facility,
33 9 the sheriff of the county in which the inmate was confined
33 10 shall certify to the clerk of the district court from which
33 11 the inmate was sentenced and to the department of corrections'
33 12 records administrator at the Iowa medical and classification
33 13 center the number of days so served. The department of
33 14 corrections' records administrator, or the administrator's
33 15 designee, shall apply jail credit as ordered by the court
33 16 of proper jurisdiction or as authorized by this section and
33 17 section 907.3, subsection 3.

33 18 Sec. 79. EFFECTIVE DATES.

33 19 1. The section of this division of this Act amending section
33 20 422.110, subsection 5, paragraph a, subparagraph (2), if
33 21 enacted by 2011 Iowa Acts, Senate File 531, section 17, takes
33 22 effect January 1, 2012.

33 23 2. Section 423.4, subsection 9, unnumbered paragraph 1, if
33 24 enacted by 2011 Iowa Acts, Senate File 531, section 59, takes
33 25 effect January 1, 2012.

33 26 Sec. 80. APPLICABILITY.

33 27 1. The section of this division of this Act amending section
33 28 422.110, subsection 5, paragraph a, subparagraph (2), if
33 29 enacted by 2011 Iowa Acts, Senate File 531, section 17, applies
33 30 to tax years beginning on and after January 1, 2012.

33 31 2. The section of this division of this Act amending
33 32 section 422.11Y, subsection 1, paragraph d, if enacted by 2011
33 33 Iowa Acts, Senate File 531, section 35, applies to tax years
33 34 beginning on and after January 1, 2012, and to that part of a
33 35 retail dealer's tax year or tax years occurring during that



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34 1 portion of the calendar year beginning on and after July 1,
34 2 2011, and ending on December 31, 2011.
34 3 3. The section of this division of this Act amending section
34 4 422.11Y, subsection 3, unnumbered paragraph 1, if enacted by
34 5 2011 Iowa Acts, Senate File 531, section 35, applies to tax
34 6 years beginning on and after January 1, 2012, and to that part
34 7 of a retail dealer's tax year or tax years occurring during
34 8 that portion of the calendar year beginning on and after July
34 9 1, 2011, and ending on December 31, 2011.

34 10 4. The section of this division of this Act amending section
34 11 422.11Y, subsection 6, paragraph b, subparagraph (2), if
34 12 enacted by 2011 Iowa Acts, Senate File 531, section 35, applies
34 13 to tax years beginning on and after January 1, 2012, and to
34 14 that part of a retail dealer's tax year or tax years occurring
34 15 during that portion of the calendar year beginning on and after
34 16 July 1, 2011, and ending on December 31, 2011.

DIVISION VII

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

34 19 Sec. 81. VISION SCREENING PROGRAM ==== DEPARTMENT OF PUBLIC
34 20 HEALTH. There is appropriated from the general fund of the
34 21 state to the department of public health for the fiscal year
34 22 beginning July 1, 2011, and ending June 30, 2012, the following
34 23 amount, or so much thereof as is necessary, to be used for the
34 24 purposes designated:

34 25 For a grant to a national affiliated volunteer eye
34 26 organization that has an established program for children and
34 27 adults and that is solely dedicated to preserving sight and
34 28 preventing blindness through education, nationally certified
34 29 vision screening and training, and community and patient
34 30 service programs:

34 31 \$ 100,000

34 32 Sec. 82. APPROPRIATION ==== FARMERS WITH DISABILITIES. There
34 33 is appropriated from the general fund of the state to the
34 34 department of agriculture and land stewardship for the fiscal
34 35 year beginning July 1, 2011, and ending June 30, 2012, the



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35 1 following amount, or so much thereof as is necessary, for a
35 2 program for farmers with disabilities:
35 3 \$ 97,000
35 4 The moneys appropriated in this section shall be used
35 5 for the public purpose of providing a grant to a national
35 6 nonprofit organization with over 80 years of experience in
35 7 assisting children and adults with disabilities and special
35 8 needs. The moneys shall be used to support a nationally
35 9 recognized program that began in 1986 and has been replicated
35 10 in at least 30 other states, but which is not available through
35 11 any other entity in this state, and that provides assistance
35 12 to farmers with disabilities in all 99 counties to allow the
35 13 farmers to remain in their own homes and be gainfully engaged
35 14 in farming through provision of agricultural worksite and home
35 15 modification consultations, peer support services, services
35 16 to families, information and referral, and equipment loan
35 17 services. Notwithstanding section 8.33, moneys appropriated
35 18 in this section that remain unencumbered or unobligated at the
35 19 close of the fiscal year shall not revert but shall remain
35 20 available for expenditure for the purposes designated until the
35 21 close of the succeeding fiscal year.
35 22 Sec. 83. APPROPRIATION ==== BATTLESHIP IOWA, BB=61.
35 23 1. There is appropriated from the general fund of the state
35 24 to the department of cultural affairs for the fiscal year
35 25 beginning July 1, 2010, and ending June 30, 2011, the following
35 26 amount, or so much thereof as is necessary, to be credited to
35 27 the BB=61 fund created in 2010 Iowa Acts, chapter 1194:
35 28 \$ 3,000,000
35 29 2. If the department of the navy, pursuant to a process
35 30 outlined in a notice published in the federal register on
35 31 May 24, 2010, volume 75, number 99, awards possession or
35 32 conditionally awards possession of the battleship Iowa,
35 33 BB=61, to a nonprofit group that is eligible to receive the
35 34 battleship, the department of cultural affairs shall award a
35 35 grant to the nonprofit group in an amount equal to \$3 million



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36 1 in addition to any moneys awarded as a grant from the BB=61
36 2 fund.

36 3 3. Notwithstanding section 8.33, moneys appropriated in
36 4 this section that remain unencumbered or unobligated at the
36 5 close of the fiscal year shall not revert but shall remain
36 6 available for expenditure for the purposes designated for
36 7 succeeding fiscal years.

36 8 Sec. 84. GROUP HOME GRANT. There is appropriated from the
36 9 general fund of the state to the Iowa finance authority for the
36 10 fiscal year beginning July 1, 2010, and ending June 30, 2011,
36 11 the following amount, or so much thereof as is necessary, to be
36 12 used for the purposes designated:

36 13 For a grant to a nonprofit organization providing
36 14 residential services for persons with an intellectual
36 15 disability at the intermediate care facility level and services
36 16 under the medical assistance program habilitation and brain
36 17 injury home and community-based services waivers, that is
36 18 located in and providing such services in a county with a
36 19 population between 90,000 and 95,000, according to the latest
36 20 certified federal census:

36 21 \$ 100,000

36 22 The grant under this section shall be used for purchase or
36 23 remodeling costs to develop a group home for not more than four
36 24 individuals with intellectual disabilities or brain injury.
36 25 Notwithstanding section 8.33, moneys appropriated in this
36 26 section that remain unencumbered or unobligated at the close of
36 27 the fiscal year shall not revert but shall remain available for
36 28 expenditure for the purposes designated until the close of the
36 29 succeeding fiscal year.

36 30 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT OF
36 31 INSPECTIONS AND APPEALS ==== CONTINGENT FTE AUTHORIZATION. If
36 32 Senate File 313 or successor legislation providing for debt
36 33 setoff or other recovery activities for nonpayment of premiums
36 34 pursuant to section 249A.3, subsection 2, paragraph "a",
36 35 subparagraph (1), relating to a special income eligibility



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37 1 group under the Medicaid program, or pursuant to section
37 2 249J.8, subsection 1, relating to the expansion population
37 3 eligibility group under the IowaCare program, is enacted by
37 4 the Eighty=fourth General Assembly, 2011 Session, in addition
37 5 to other full=time equivalent positions authorized for the
37 6 investigations division of the department of inspections and
37 7 appeals for the fiscal year beginning July 1, 2011, not more
37 8 than 2.00 FTEs are authorized, to the extent funded through
37 9 moneys available to the department of human services, to
37 10 be used to implement such provisions of Senate File 313 or
37 11 successor legislation.

37 12 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL PROGRAM. If a
37 13 school district that is participating on a contractual basis
37 14 in a special education instructional program operated by an
37 15 area education agency, in which the area education agency
37 16 employed teachers on behalf of the school district at the time
37 17 the department of management calculated the teacher salary
37 18 supplement cost per pupil under section 257.10, subsection
37 19 9, the professional development supplement cost per pupil
37 20 under section 257.10, subsection 10, the area education agency
37 21 teacher salary supplement cost per pupil under section 257.37A,
37 22 subsection 1, and the area education agency professional
37 23 development supplement cost per pupil under section 257.37A,
37 24 subsection 2, for the fiscal year beginning July 1, 2009,
37 25 terminates the contract for participation in the special
37 26 education instructional program, the area education agency
37 27 operating the program shall notify the department of management
37 28 of the contract termination by the following April 1. The
37 29 department of management shall recalculate the cost per
37 30 pupil amounts for the area education agency and the school
37 31 district for the fiscal year succeeding the notification
37 32 date for the teacher salary supplement cost per pupil under
37 33 section 257.10, subsection 9, the professional development
37 34 supplement cost per pupil under section 257.10, subsection
37 35 10, the area education agency teacher salary supplement cost



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38 1 per pupil under section 257.37A, subsection 1, and the area
38 2 education agency professional development supplement cost
38 3 per pupil under section 257.37A, subsection 2, by estimating
38 4 the amount of the original allocations used in the cost per
38 5 pupil calculation that would have been allocated to the school
38 6 district rather than the area education agency had the special
38 7 education instructional program not existed, and the department
38 8 of management shall increase the annual supplement cost per
38 9 pupil for the school district and area education agency by the
38 10 appropriate allowable growth for the appropriate fiscal years.
38 11 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF
38 12 CHILDREN.
38 13 1. A task force on the prevention of sexual abuse of
38 14 children is established consisting of the following members:
38 15 a. Four members of the general assembly serving as ex
38 16 officio, nonvoting members, with not more than one member from
38 17 each chamber being from the same political party. The two
38 18 senators shall be appointed, one each, by the majority leader
38 19 of the senate and by the minority leader of the senate. The two
38 20 representatives shall be appointed, one each, by the speaker of
38 21 the house of representatives and by the minority leader of the
38 22 house of representatives.
38 23 b. The director of human services or the director's
38 24 designee.
38 25 c. The director of the department of education or the
38 26 director's designee.
38 27 d. The director of public health or the director's designee.
38 28 e. The state court administrator or the state court
38 29 administrator's designee.
38 30 f. A representative of the Iowa county attorneys
38 31 association, appointed by the president of that association.
38 32 g. A representative of the chief juvenile court officers,
38 33 appointed by the chief justice of the supreme court.
38 34 h. A representative of the Iowa state education
38 35 association, appointed by the president of that organization.



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39 1 i. A representative of prevent child abuse Iowa, appointed
39 2 by the director of human services.
39 3 j. A representative of school administrators of Iowa,
39 4 appointed by the president of that organization.
39 5 k. A representative of the Iowa association of school
39 6 boards, appointed by the executive director of that
39 7 organization.
39 8 l. A representative of the Iowa psychological association,
39 9 appointed by the president of that association.
39 10 m. A representative of the Iowa coalition against sexual
39 11 assault, appointed by the executive director of that coalition.
39 12 n. A representative of prevent child abuse Iowa, appointed
39 13 by the executive director of that organization.
39 14 o. A child abuse expert employed by or under contract with
39 15 one of Iowa's nationally accredited child protection centers,
39 16 appointed by the director of the regional child protection
39 17 center located in Des Moines.
39 18 2. Members of the task force shall be individuals who are
39 19 actively involved in the fields of child abuse prevention. To
39 20 the extent possible, appointment of members shall reflect the
39 21 geographic diversity of the state. The voting members of the
39 22 task force shall serve without compensation and shall not be
39 23 reimbursed for their expenses.
39 24 3. The director of prevent child abuse Iowa, or the
39 25 director's designee, shall convene the organizational meeting
39 26 of the task force. The task force shall elect from among
39 27 its members a chairperson. Meetings shall be held at the
39 28 call of the chairperson or at the request of two or more task
39 29 force members. Six members shall constitute a quorum and the
39 30 affirmative vote of six members shall be necessary for any
39 31 action taken by the task force.
39 32 4. Prevent child abuse Iowa shall provide staff support to
39 33 the task force.
39 34 5. The task force shall consult with employees of the
39 35 department of human services, the Iowa coalition against sexual



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40 1 assault, the department of public safety, the state board
40 2 of education, and any other state agency or department as
40 3 necessary to accomplish the task force's responsibilities under
40 4 this section.

40 5 6. The task force shall develop a model policy addressing
40 6 sexual abuse of children that may include but is not limited
40 7 to the following:

40 8 a. Age=appropriate curricula for students enrolled in
40 9 prekindergarten through grade five.

40 10 b. Training options for school personnel on child sexual
40 11 abuse.

40 12 c. Educational information for parents and guardians that
40 13 may be provided in a school handbook and may include the
40 14 warning signs of a child being abused, along with any needed
40 15 assistance, referral, or resource information.

40 16 d. Counseling options and resources available statewide for
40 17 students affected by sexual abuse.

40 18 e. Emotional and educational support services that may
40 19 be available for a child subject to abuse to continue to be
40 20 successful in school.

40 21 f. Methods for increasing teacher, student, and parent
40 22 awareness of issues regarding sexual abuse of children,
40 23 including but not limited to knowledge of likely warning signs
40 24 indicating that a child may be a victim of sexual abuse.

40 25 g. Actions that a child who is a victim of sexual abuse
40 26 should take to obtain assistance and intervention.

40 27 7. The task force shall make recommendations for preventing
40 28 the sexual abuse of children in Iowa. In making those
40 29 recommendations, the task force shall do the following:

40 30 a. Gather information concerning child sexual abuse
40 31 throughout the state.

40 32 b. Receive reports and testimony from individuals, state
40 33 and local agencies, community=based organizations, and other
40 34 public and private organizations.

40 35 c. Create goals for state policy that would prevent child



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41 1 sexual abuse.
41 2 d. Submit a final report with its recommendations to the
41 3 governor and the general assembly on or before January 16,
41 4 2012. The recommendations may include proposals for specific
41 5 statutory changes and methods to foster cooperation among state
41 6 agencies and between the state, local school districts, and
41 7 other local governments.
41 8 Sec. 88. RAILROAD COMPANY ==== LIMITED LIABILITY. A railroad
41 9 company which alters facilities described in section 327F.2
41 10 pursuant to a written agreement executed on or before December
41 11 31, 2012, with a political subdivision with a population of
41 12 more than 67,800, but less than 67,900, according to the 2010
41 13 certified federal census, to construct a flood mitigation
41 14 project shall receive the limitation on liability contained
41 15 in section 670.4, subsection 8, for its facilities described
41 16 in section 327F.2 governed by the written agreement for any
41 17 damages caused by the alteration due to a flood.
41 18 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
41 19 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING
41 20 ==== APPLICABILITY. The limitation on expenditures made for
41 21 office supplies, purchases of equipment, office equipment, and
41 22 equipment noninventory, printing and binding, and marketing
41 23 implemented pursuant to 2011 Iowa Acts, House File 45, section
41 24 2, does not apply to a department or agency receiving a
41 25 supplemental appropriation for the fiscal year beginning July
41 26 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209, division
41 27 III.
41 28 Sec. 90. ELECTIONS=RELATED SOFTWARE.
41 29 Any computer software developed by a county for purposes of
41 30 election activities is the property of the county unless the
41 31 county sells the rights to the software.
41 32 Sec. 91. EFFECTIVE DATE ==== 2011 IOWA ACTS, SENATE FILE 205.
41 33 1. 2011 Iowa Acts, Senate File 205, section 3, amending
41 34 section 321.47, subsection 2, being deemed of immediate
41 35 importance, takes effect on the effective date of this section



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42 1 of this division of this Act.
42 2 2. 2011 Iowa Acts, Senate File 205, section 4, enacting
42 3 section 321.113, subsection 5, being deemed of immediate
42 4 importance, takes effect on the effective date of this section
42 5 of this division of this Act.
42 6 3. 2011 Iowa Acts, Senate File 205, section 5, amending
42 7 section 321.121, subsection 1, paragraph "b", being deemed of
42 8 immediate importance, takes effect on the effective date of
42 9 this section of this division of this Act.
42 10 4. 2011 Iowa Acts, Senate File 205, section 6, enacting
42 11 section 321.122, subsection 1, paragraph "b", subparagraph
42 12 (3), being deemed of immediate importance, takes effect on the
42 13 effective date of this section of this division of this Act.
42 14 Sec. 92. Section 80B.6, subsection 1, as amended by 2011
42 15 Iowa Acts, Senate File 236, section 1, is amended to read as
42 16 follows:
42 17 1. An Iowa law enforcement academy council is created
42 18 consisting of the following ~~thirteen~~ fifteen voting members
42 19 appointed by the governor, subject to confirmation by the
42 20 senate, to terms of four years commencing as provided in
42 21 section 69.19:
42 22 a. Three residents of the state.
42 23 b. A sheriff of a county with a population of fifty thousand
42 24 persons or more who is a member of the Iowa state sheriffs and
42 25 deputies association.
42 26 c. A sheriff of a county with a population of less than
42 27 fifty thousand persons who is a member of the Iowa state
42 28 sheriffs and deputies association.
42 29 d. A deputy sheriff of a county who is a member of the Iowa
42 30 state sheriffs and deputies association.
42 31 e. A member of the Iowa peace officers association.
42 32 f. A member of the Iowa state police association.
42 33 g. A member of the Iowa police chiefs association.
42 34 h. A police officer who is a member of a police department
42 35 of a city with a population of fifty thousand persons or more.



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43 1 i. A police officer who is a member of a police department
43 2 of a city with a population of less than fifty thousand
43 3 persons.

43 4 j. A member of the department of public safety.

43 5 k. A member of the office of motor vehicle enforcement of
43 6 the department of transportation.

43 7 l. An employee of a county conservation board who is a
43 8 certified peace officer.

43 9 m. A conservation peace officer employed under section
43 10 456A.13.

43 11 Sec. 93. Section 256C.5, subsection 1, paragraph c, Code
43 12 2011, is amended to read as follows:

43 13 c. "Preschool budget enrollment" means the figure that
43 14 is equal to ~~sixty~~ fifty percent of the actual enrollment of
43 15 eligible students in the preschool programming provided by
43 16 a school district approved to participate in the preschool
43 17 program on October 1 of the base year, or the first Monday in
43 18 October if October 1 falls on a Saturday or Sunday.

43 19 Sec. 94. Section 279.51, subsection 2, Code 2011, is amended
43 20 to read as follows:

43 21 2. a. Funds allocated under subsection 1, paragraph "b",
43 22 shall be used by the child development coordinating council for
43 23 the following:

43 24 ~~a.~~ (1) To continue funding for programs previously
43 25 funded by grants awarded under section 256A.3 and to provide
43 26 additional grants under section 256A.3. The council shall seek
43 27 to provide grants on the basis of the location within the state
43 28 of children meeting at-risk definitions.

43 29 ~~b.~~ (2) At the discretion of the child development
43 30 coordinating council, award grants for the following:

43 31 ~~(1)~~ (a) To school districts to establish programs for
43 32 three-year-old, four-year-old, and five-year-old at-risk
43 33 children which are a combination of preschool and full-day
43 34 kindergarten.

43 35 ~~(2)~~ (b) To provide grants to provide educational support



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44 1 services to parents of at-risk children age birth through three
44 2 years.

44 3 b. A grantee under this subsection may direct the use of
44 4 moneys received to serve any qualifying child ranging in age
44 5 from three years old to five years old, regardless of the age
44 6 of population indicated on the grant request in its initial
44 7 year of application. A grantee is encouraged to consider the
44 8 degree to which the program complements existing programs and
44 9 services for three-year-old, four-year-old, and five-year-old
44 10 at-risk children available in the area, including other child
44 11 care and preschool services, services provided through a school
44 12 district, and services available through an area education
44 13 agency.

44 14 Sec. 95. Section 303.19A, subsection 1, as enacted by 2011
44 15 Iowa Acts, House File 267, section 2, is amended to read as
44 16 follows:

44 17 1. The state historic preservation officer shall only
44 18 recommend that a rural electric cooperative or a municipal
44 19 utility constructing electric distribution and transmission
44 20 facilities for which it is receiving federal funding conduct
44 21 an archeological site survey of its proposed route when, based
44 22 upon a review of existing information on historic properties
44 23 within the area of potential effects of the construction, the
44 24 state historic preservation officer has determined that a
44 25 historic property, as defined by the federal National Historic
44 26 Preservation Act of 1966, as amended, is likely to exist within
44 27 the proposed route.

44 28 Sec. 96. Section 321J.2, subsection 4, paragraph b, Code
44 29 2011, is amended to read as follows:

44 30 b. Assessment of a minimum fine of one thousand eight
44 31 hundred ~~fifty~~ seventy-five dollars and a maximum fine of six
44 32 thousand two hundred fifty dollars. Surcharges and fees shall
44 33 be assessed pursuant to chapter 911.

44 34 Sec. 97. Section 453A.35, subsection 1, Code 2011, is
44 35 amended to read as follows:



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45 1 1. a. ~~The~~ With the exception of revenues credited to the
45 2 health care trust fund pursuant to paragraph "b", the proceeds
45 3 derived from the sale of stamps and the payment of taxes, fees,
45 4 and penalties provided for under this chapter, and the permit
45 5 fees received from all permits issued by the department, shall
45 6 be credited to the general fund of the state. ~~However, of~~
45 7 b. Of the revenues generated from the tax on cigarettes
45 8 pursuant to section 453A.6, subsection 1, and from the tax on
45 9 tobacco products as specified in section 453A.43, subsections
45 10 1, 2, 3, and 4, ~~and credited to the general fund of the state~~
45 11 ~~under this subsection, there is appropriated, annually, to the~~
45 12 ~~health care trust fund created in section 453A.35A, the first~~
45 13 ~~one hundred six million sixteen thousand four hundred dollars~~
45 14 ~~shall be credited to the health care trust fund created in~~
45 15 ~~section 453A.35A.~~
45 16 Sec. 98. Section 453A.35A, subsection 1, Code 2011, is
45 17 amended to read as follows:
45 18 1. A health care trust fund is created in the office of
45 19 the treasurer of state. The fund consists of the revenues
45 20 generated from the tax on cigarettes pursuant to section
45 21 453A.6, subsection 1, and from the tax on tobacco products
45 22 as specified in section 453A.43, subsections 1, 2, 3, and
45 23 4, that are credited to the ~~general fund of the state and~~
45 24 ~~appropriated to the~~ health care trust fund, annually, pursuant
45 25 to section 453A.35. Moneys in the fund shall be separate from
45 26 the general fund of the state and shall not be considered
45 27 part of the general fund of the state. However, the fund
45 28 shall be considered a special account for the purposes of
45 29 section 8.53 relating to generally accepted accounting
45 30 principles. Moneys in the fund shall be used only as specified
45 31 in this section and shall be appropriated only for the uses
45 32 specified. Moneys in the fund are not subject to section 8.33
45 33 and shall not be transferred, used, obligated, appropriated,
45 34 or otherwise encumbered, except as provided in this section.
45 35 Notwithstanding section 12C.7, subsection 2, interest or



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46 1 earnings on moneys deposited in the fund shall be credited to
46 2 the fund.

46 3 Sec. 99. Section 466B.31, subsection 2, paragraph a, Code
46 4 2011, is amended by adding the following new subparagraphs:

46 5 NEW SUBPARAGRAPH. (17) One member selected by the
46 6 agribusiness association of Iowa.

46 7 NEW SUBPARAGRAPH. (18) One member selected by the Iowa
46 8 floodplain and stormwater management association.

46 9 NEW SUBPARAGRAPH. (19) One member selected by Iowa rivers
46 10 revival.

46 11 Sec. 100. Section 537A.5, subsection 1, as enacted by 2011
46 12 Iowa Acts, Senate File 396, section 1, is amended to read as
46 13 follows:

46 14 1. As used in this section, "construction contract"
46 15 means an agreement relating to the construction, alteration,
46 16 improvement, development, demolition, excavation,
46 17 rehabilitation, maintenance, or repair of buildings, ~~highways,~~
~~46 18 roads, streets, bridges, tunnels, transportation facilities,~~
~~46 19 airports,~~ water or sewage treatment plants, power plants,
46 20 or any other improvements to real property in this state,
46 21 including shafts, wells, and structures, whether on ground,
46 22 above ground, or underground, and includes agreements for
46 23 architectural services, design services, engineering services,
46 24 construction services, construction management services,
46 25 development services, maintenance services, material purchases,
46 26 equipment rental, and labor. "Construction contract" includes
46 27 all public, private, foreign, or domestic agreements as
46 28 described in this subsection other than such public agreements
46 29 relating to highways, roads, and streets.

46 30 Sec. 101. Section 654.4B, subsection 2, paragraph b, Code
46 31 2011, is amended to read as follows:

46 32 b. This subsection is repealed July 1, ~~2011~~ 2012.

46 33 Sec. 102. APPLICABILITY. The section of this division of
46 34 this Act amending section 256C.5, subsection 1, takes effect
46 35 upon enactment, and applies to budget years beginning on or



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47 1 after July 1, 2011.

47 2 Sec. 103. EFFECTIVE UPON ENACTMENT. The following
47 3 provision or provisions of this division of this Act, being
47 4 deemed of immediate importance, take effect upon enactment:

47 5 1. The section of this division of this Act amending section
47 6 303.19A.

47 7 2. The section of this division of this Act amending section
47 8 654.4B.

47 9 3. The section of this division of this Act appropriating
47 10 moneys to the department of cultural affairs for purposes of a
47 11 grant for the battleship Iowa, BB=61.

47 12 4. The section of this division of this Act creating a task
47 13 force on the prevention of sexual abuse of children.

47 14 5. The section of this division of this Act providing
47 15 effective dates for certain provisions in 2011 Iowa Acts,
47 16 Senate File 205.

47 17 6. The section in this division of this Act making an
47 18 appropriation to the Iowa finance authority for a group home
47 19 grant.

47 20 7. The section of this division of this Act relating to
47 21 a school district participating on a contractual basis in a
47 22 special education instructional program operated by an area
47 23 education agency.

47 24 Sec. 104. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 25 APPLICABILITY. The provision of this division of this Act
47 26 relating to a limitation on state agency office supplies
47 27 purchase, equipment purchases, printing and binding, and
47 28 marketing as enacted by 2011 Iowa Acts, House File 45, being
47 29 deemed of immediate importance, takes effect upon enactment and
47 30 applies retroactively to March 7, 2011.

47 31 DIVISION VIII

47 32 APPROPRIATION TRANSFERS

47 33 REBUILD IOWA INFRASTRUCTURE FUND

47 34 Sec. 105. 2010 Iowa Acts, chapter 1184, section 26, is
47 35 amended to read as follows:



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48 1 SEC. 26. There is appropriated from the rebuild Iowa
48 2 infrastructure fund to the department of economic development
48 3 for deposit in the grow Iowa values fund, for the fiscal year
48 4 beginning July 1, 2010, and ending June 30, 2011, the following
48 5 amount, notwithstanding section 8.57, subsection 6, paragraph
48 6 "c":

48 7 \$ 38,000,000

48 8 Of the moneys appropriated in this section, from the
48 9 amount allocated to the department of economic development
48 10 in accordance with 2010 Iowa Acts, chapter 1184, section 28,
48 11 subsection 1, \$1,200,000 shall be used for the department's
48 12 Iowans helping Iowans business assistance program.

48 13 Notwithstanding section 8.33, moneys designated pursuant
48 14 to this unnumbered paragraph that remain unencumbered or
48 15 unobligated at the close of the fiscal year shall not revert
48 16 but shall remain available for expenditure for the purposes
48 17 designated until the close of the succeeding fiscal year.

48 18 CASH RESERVE FUND

48 19 Sec. 106. 2010 Iowa Acts, chapter 1193, section 90,
48 20 subsection 1, is amended to read as follows:

48 21 1. DEPARTMENT OF HUMAN SERVICES

48 22 For the medical assistance program:

48 23 \$187,800,000

48 24 a. Of the moneys appropriated in this subsection, the
48 25 following amounts shall be transferred as follows:

48 26 (1) To the Iowa finance authority to be used for the Iowans
48 27 helping Iowans housing assistance program:

48 28 \$ 6,050,000

48 29 (2) To the department of human services to be used for the
48 30 unmet needs program administered by the department:

48 31 \$ 3,056,603

48 32 b. Notwithstanding section 8.33, moneys transferred
48 33 pursuant to paragraph "a" that remain unencumbered or
48 34 unobligated at the close of the fiscal year shall not revert
48 35 but shall remain available for expenditure for the purposes



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49 1 designated until the close of the succeeding fiscal year.

49 2 Sec. 107. EFFECTIVE DATE ==== APPLICABILITY.

49 3 1. This division of this Act being deemed of immediate
49 4 importance takes effect upon enactment, and if approved by the
49 5 governor on or after July 1, 2011, are retroactively applicable
49 6 to the date specified in subsection 2.

49 7 2. The provisions of this division of this Act providing
49 8 for transfers are retroactively applicable to August 27,
49 9 2010, and apply in lieu of the transfers made for the same
49 10 purposes by the executive branch, as reported by the department
49 11 of management in the transfer notice to the governor and
49 12 lieutenant governor dated August 27, 2010.

49 13 DIVISION IX

49 14 REORGANIZATION

49 15 Sec. 108. NEW SECTION. 8.75 Contract services ==== training.

49 16 1. Each department, as defined in section 8.2, shall
49 17 separately track the budget and actual expenditures for
49 18 contract services and for employee training for each
49 19 appropriation line item.

49 20 2. The terms of the contracts for contracted services
49 21 entered into or revised during the fiscal year shall
49 22 incorporate quality assurance and cost control measures.

49 23 3. The employee training tracking information shall be
49 24 further divided into training categories. Each department's
49 25 report on training tracking shall specifically address the use
49 26 of electronically based training.

49 27 4. Each department shall report to the legislative services
49 28 agency on January 15 and July 15 of each year concerning
49 29 the budget, expenditure, quality assurance, and cost control
49 30 information addressed by this section for the previous six
49 31 calendar months.

49 32 Sec. 109. NEW SECTION. 8A.319 State government purchasing
49 33 efforts ==== department of administrative services.

49 34 In order to facilitate efficient and cost=effective
49 35 purchasing, the department of administrative services shall do



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50 1 the following:

50 2 1. Require state agencies to provide the department with
50 3 a report regarding planned purchases on an annual basis and
50 4 to report on an annual basis regarding efforts to standardize
50 5 products and services within their own agencies and with other
50 6 state agencies.

50 7 2. Require state employees who conduct bids for services to
50 8 receive training on an annual basis about procurement rules and
50 9 procedures and procurement best practices.

50 10 3. Identify procurement compliance employees within the
50 11 department.

50 12 4. Review the process and basis for establishing
50 13 departmental fees for purchasing.

50 14 5. Establish a work group to collaborate on best practices
50 15 to implement the best cost savings for the state concerning
50 16 purchasing.

50 17 6. Explore interstate and intergovernmental purchasing
50 18 opportunities and encourage the legislative and judicial
50 19 branches to participate in consolidated purchasing and
50 20 efficiencies wherever possible.

50 21 7. Expand the use of procurement cards throughout state
50 22 government to facilitate purchasing of items by state agencies.

50 23 Sec. 110. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
50 24 TECHNOLOGY ==== UTILIZATION BY LEGISLATIVE AND JUDICIAL
50 25 BRANCH. The department of administrative services shall
50 26 consult with and explore opportunities with the legislative
50 27 and judicial branches of government relative to the providing
50 28 of information technology services to those branches of
50 29 government.

50 30 Sec. 111. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
50 31 agencies, as defined in section 8A.101, should, to the greatest
50 32 extent possible, utilize electronic mail or similar electronic
50 33 means to notify holders of licenses or permits issued by that
50 34 state agency that the license or permit needs to be renewed.
50 35 The chief information officer of the state shall assist state



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51 1 agencies in implementing the directive in this section.
51 2 Sec. 112. STATE AGENCY EFFICIENCY EFFORTS.
51 3 1. LEAN EFFORTS. State agencies shall budget for and plan
51 4 to conduct lean projects as described in section 8.70. Each
51 5 state agency shall coordinate its activities with the office of
51 6 lean enterprise created in section 8.70 in developing plans to
51 7 conduct lean projects.
51 8 2. SHARED RESOURCES. State agencies are encouraged to
51 9 share resources and services, including staff, training, and
51 10 educational services, to the greatest extent possible in order
51 11 to best fulfill the duties of each agency at the least cost.
51 12 Sec. 113. JOINT APPROPRIATIONS SUBCOMMITTEES ==== REVIEW OF
51 13 AGENCY FEES. Each joint appropriations subcommittee of the
51 14 general assembly shall examine and review on an annual basis
51 15 the fees charged by state agencies under the purview of that
51 16 joint appropriations subcommittee.
51 17 Sec. 114. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
51 18 STREAMLINED HIRING. The department of administrative services
51 19 shall, in consultation with the department of management,
51 20 examine the process by which state agencies hire personnel
51 21 with the goal of simplifying and reducing the steps needed
51 22 for state agencies to hire personnel. The department shall
51 23 provide information to the general assembly concerning steps
51 24 taken to implement a more streamlined hiring process and any
51 25 recommendations for legislative action.
51 26 Sec. 115. TOBACCO RETAIL COMPLIANCE CHECKS. For the
51 27 fiscal year beginning July 1, 2011, and ending June 30, 2012,
51 28 the terms of a chapter 28D agreement, entered into between
51 29 the division of tobacco use prevention and control of the
51 30 department of public health and the alcoholic beverages
51 31 division of the department of commerce, governing compliance
51 32 checks conducted to ensure licensed retail tobacco outlet
51 33 conformity with tobacco laws, regulations, and ordinances
51 34 relating to persons under eighteen years of age, shall restrict
51 35 the number of such checks to one check per retail outlet, and



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52 1 one additional check for any retail outlet found to be in
52 2 violation during the first check.

52 3 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
52 4 CENTRALIZED PAYROLL SYSTEM. The department of administrative
52 5 services shall examine the possibility of merging all state
52 6 payroll systems into the centralized payroll system operated
52 7 by the department. The department shall consult with those
52 8 entities of state government not utilizing the centralized
52 9 payroll system, including but not limited to the state
52 10 department of transportation, about strategies for encouraging
52 11 utilization of the state's centralized payroll system and by
52 12 identifying those barriers preventing merging of the payroll
52 13 systems. The department shall provide information to the joint
52 14 appropriations subcommittee on administration and regulation
52 15 concerning efforts by the department to merge payroll systems
52 16 and any recommendations for legislative action to encourage, or
52 17 eliminate barriers to, the provision of payroll services by the
52 18 department to other state agencies.

52 19 DIVISION X

52 20 MEDICATION THERAPY MANAGEMENT

52 21 Sec. 117. 2010 Iowa Acts, chapter 1193, section 166,
52 22 subsections 2 and 3, are amended to read as follows:

52 23 2. a. Prior to July 1, 2010, the department of
52 24 administrative services shall utilize a request for proposals
52 25 process to contract for the provision of medication therapy
52 26 management services beginning July 1, 2010, and prior to July
52 27 1, 2011, shall amend the contract to continue the provision of
52 28 medication therapy management services beginning July 1, 2011,

52 29 for eligible employees who meet any of the following criteria:

52 30 (1) An individual who takes four or more prescription drugs
52 31 to treat or prevent two or more chronic medical conditions.

52 32 (2) An individual with a prescription drug therapy problem
52 33 who is identified by the prescribing physician or other
52 34 appropriate prescriber, and referred to a pharmacist for
52 35 medication therapy management services.



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53 1 (3) An individual who meets other criteria established by
53 2 the third=party payment provider contract, policy, or plan.
53 3 ~~b. The department of administrative services shall~~
~~53 4 utilize an advisory committee comprised of an equal number of~~
~~53 5 physicians and pharmacists to provide advice and oversight~~
~~53 6 regarding the request for proposals and evaluation processes.~~
~~53 7 The department shall appoint the members of the advisory~~
~~53 8 council based upon designees of the Iowa pharmacy association,~~
~~53 9 the Iowa medical society, and the Iowa osteopathic medical~~
~~53 10 association.~~
53 11 ~~e.~~ b. The contract shall require the company to provide
53 12 annual reports to the general assembly detailing the costs,
53 13 savings, estimated cost avoidance and return on investment,
53 14 and patient outcomes related to the medication therapy
53 15 management services provided. The company shall guarantee
53 16 demonstrated annual savings, including any savings associated
53 17 with cost avoidance at least equal to the program's costs
53 18 with any shortfall amount refunded to the state. As a proof
53 19 of concept in the program for the period beginning July 1,
53 20 2010, and ending June 30, 2011, the company shall offer a
53 21 dollar=for=dollar guarantee for drug product costs savings
53 22 alone. Prior to entering into a contract with a company,
53 23 the department and the company shall agree on the terms,
53 24 conditions, and applicable measurement standards associated
53 25 with the demonstration of savings. The department shall verify
53 26 the demonstrated savings reported by the company was performed
53 27 in accordance with the agreed upon measurement standards. The
53 28 company shall be prohibited from using the company's employees
53 29 to provide the medication therapy management services and shall
53 30 instead be required to contract with licensed pharmacies,
53 31 pharmacists, or physicians.
53 32 d. The fees for pharmacist=delivered medication therapy
53 33 management services shall be separate from the reimbursement
53 34 for prescription drug product or dispensing services; shall
53 35 be determined by each third=party payment provider contract,



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54 1 policy, or plan; and must be reasonable based on the resources
54 2 and time required to provide the service.

54 3 e. A fee shall be established for physician reimbursement
54 4 for services delivered for medication therapy management as
54 5 determined by each third-party payment provider contract,
54 6 policy, or plan, and must be reasonable based on the resources
54 7 and time required to provide the service.

54 8 f. If any part of the medication therapy management
54 9 plan developed by a pharmacist incorporates services which
54 10 are outside the pharmacist's independent scope of practice
54 11 including the initiation of therapy, modification of dosages,
54 12 therapeutic interchange, or changes in drug therapy, the
54 13 express authorization of the individual's physician or other
54 14 appropriate prescriber is required.

54 15 g. For the contract period beginning July 1, 2011, the
54 16 department shall utilize the services of the college of
54 17 pharmacy at a state university to validate reported drug cost
54 18 savings.

54 19 h. The results of the pilot program for the period beginning
54 20 July 1, 2010, and ending December 31, 2011, shall be submitted
54 21 to the general assembly no later than March 1, 2012.

54 22 3. This section is repealed December 31, ~~2011~~ 2012.

54 23 Sec. 118. TRANSFER ==== MEDICATION THERAPY MANAGEMENT
54 24 PROGRAM. There is transferred \$510,000 from the fees collected
54 25 by the board of pharmacy pursuant to chapter 155A and retained
54 26 by the board pursuant to the authority granted in section
54 27 147.82 to the department of administrative services for the
54 28 fiscal year beginning July 1, 2011, and ending June 30, 2012,
54 29 to be used to be used for the medication therapy management
54 30 program.

54 31 Sec. 119. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
54 32 APPLICABILITY. This division of this Act, being deemed of
54 33 immediate importance, takes effect upon enactment, and is
54 34 retroactively applicable to June 15, 2011.

54 35 DIVISION XI



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55 1 EARNED INCOME TAX CREDIT

55 2 Sec. 120. Section 422.12B, subsection 1, Code 2011, is
55 3 amended to read as follows:

55 4 1. The taxes imposed under this division less the credits
55 5 allowed under section 422.12 shall be reduced by an earned
55 6 income credit equal to ~~seven~~ ten percent of the federal earned
55 7 income credit provided in section 32 of the Internal Revenue
55 8 Code. Any credit in excess of the tax liability is refundable.
55 9 Sec. 121. RETROACTIVE APPLICABILITY. This division of this
55 10 Act applies retroactively to January 1, 2011, for tax years
55 11 beginning on or after that date.

55 12 DIVISION XII

55 13 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
55 14 OF GROWTH FOR EDUCATION ==== FY 2012=2013

55 15 Sec. 122. Section 257.8, subsection 1, Code 2011, is amended
55 16 to read as follows:

55 17 1. State percent of growth. ~~The state percent of growth~~
~~55 18 for the budget year beginning July 1, 2009, is four percent.~~
55 19 The state percent of growth for the budget year beginning July
55 20 1, 2010, is two percent. The state percent of growth for the
55 21 budget year beginning July 1, 2012, is three percent. The
55 22 state percent of growth for each subsequent budget year shall
55 23 be established by statute which shall be enacted within thirty
55 24 days of the submission in the year preceding the base year of
55 25 the governor's budget under section 8.21. The establishment of
55 26 the state percent of growth for a budget year shall be the only
55 27 subject matter of the bill which enacts the state percent of
55 28 growth for a budget year.

55 29 Sec. 123. Section 257.8, subsection 2, Code 2011, is amended
55 30 to read as follows:

55 31 2. Categorical state percent of growth. The categorical
55 32 state percent of growth for the budget year beginning July 1,
55 33 2010, is two percent. The categorical state percent of growth
55 34 for the budget year beginning July 1, 2012, is three percent.
55 35 The categorical state percent of growth for each budget year



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56 1 shall be established by statute which shall be enacted within
56 2 thirty days of the submission in the year preceding the
56 3 base year of the governor's budget under section 8.21. The
56 4 establishment of the categorical state percent of growth for a
56 5 budget year shall be the only subject matter of the bill which
56 6 enacts the categorical state percent of growth for a budget
56 7 year. The categorical state percent of growth may include
56 8 state percents of growth for the teacher salary supplement, the
56 9 professional development supplement, and the early intervention
56 10 supplement.

56 11 Sec. 124. CODE SECTION 257.8 ==== APPLICABILITY. The
56 12 requirements of section 257.8 regarding the time period
56 13 of enactment and the subject matter of the legislation
56 14 establishing the state percent of growth and the categorical
56 15 state percent of growth for a budget year are not applicable
56 16 to the division. The requirements of section 257.8 regarding
56 17 enactment of the regular program state percent of growth and
56 18 categorical state percent of growth within thirty days of
56 19 the submission in the year preceding the base year of the
56 20 governor's budget and the requirements that the subject matter
56 21 of each bill establishing the state percent of growth or the
56 22 categorical state percent of growth be the only subject matter
56 23 of the bill do not apply to this division of this Act.

56 24 Sec. 125. APPLICABILITY. This division of this Act is
56 25 applicable for computing state aid under the state school
56 26 foundation program for the school budget year beginning July
56 27 1, 2012.

56 28 DIVISION XIII

56 29 WITHHOLDING AGREEMENTS

56 30 Sec. 126. Section 403.19A, subsection 1, paragraphs c and f,
56 31 Code 2011, are amended to read as follows:

56 32 c. "Employer" means a business creating or retaining
56 33 targeted jobs in an urban renewal area of a pilot project city
56 34 pursuant to a withholding agreement.

56 35 f. "Targeted job" means a job in a business which is or



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57 1 will be located in an urban renewal area of a pilot project
57 2 city that pays a wage at least equal to the countywide average
57 3 wage. "Targeted job" includes new or retained jobs from Iowa
57 4 business expansions or retentions within the city limits of the
57 5 pilot project city and those jobs resulting from established
57 6 out-of-state businesses, as defined by the department of
57 7 economic development, moving to or expanding in Iowa.

57 8 Sec. 127. Section 403.19A, subsection 3, paragraph c,
57 9 subparagraph (1), Code 2011, is amended to read as follows:

57 10 (1) The pilot project city shall enter into a withholding
57 11 agreement with each employer concerning the targeted jobs
57 12 withholding credit. The withholding agreement shall provide
57 13 for the total amount of withholding tax credits awarded. An
57 14 agreement shall not provide for an amount of withholding
57 15 credits that exceeds the amount of the qualifying investment
57 16 made in the project. An agreement shall not be entered into
57 17 by a pilot project city with a business currently located in
57 18 this state unless the business either creates or retains ten
57 19 new jobs or makes a qualifying investment of at least five
57 20 hundred thousand dollars within the urban renewal area. The
57 21 withholding agreement may have a term of up to ten years. An
57 22 employer shall not be obligated to enter into a withholding
57 23 agreement. An agreement shall not be entered into with an
57 24 employer not already located in a pilot project city when
57 25 another Iowa community is competing for the same project and
57 26 both the pilot project city and the other Iowa community are
57 27 seeking assistance from the department.

57 28 Sec. 128. Section 403.19A, subsection 3, paragraph f, Code
57 29 2011, is amended to read as follows:

57 30 f. If the employer ceases to meet the requirements of the
57 31 withholding agreement, the agreement shall be terminated and
57 32 any withholding tax credits for the benefit of the employer
57 33 shall cease. However, in regard to the number of ~~new~~ jobs
57 34 that are to be created or retained, if the employer has met
57 35 the number of ~~new~~ jobs to be created or retained pursuant to



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58 1 the withholding agreement and subsequently the number of ~~new~~
58 2 jobs falls below the required level, the employer shall not
58 3 be considered as not meeting the ~~new~~ job requirement until
58 4 eighteen months after the date of the decrease in the number of
58 5 ~~new~~ jobs created or retained.

58 6 Sec. 129. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
58 7 APPLICABILITY. This division of this Act, being deemed of
58 8 immediate importance, takes effect upon enactment and applies
58 9 retroactively to July 1, 2006, for agreements entered into on
58 10 or after that date.

58 11 DIVISION XIV
58 12 SCHOOL EMPLOYEE MISCONDUCT

58 13 Sec. 130. Section 272.2, subsection 1, paragraph b, Code
58 14 2011, is amended by striking the paragraph and inserting in
58 15 lieu thereof the following:

58 16 b. Provide annually to any person who holds a license,
58 17 certificate, authorization, or statement of recognition
58 18 issued by the board, training relating to the knowledge and
58 19 understanding of the board's code of professional conduct and
58 20 ethics. The board shall develop a curriculum that addresses
58 21 the code of professional conduct and ethics and shall annually
58 22 provide regional training opportunities throughout the state.

58 23 Sec. 131. Section 272.15, subsection 1, Code 2011, is
58 24 amended to read as follows:

58 25 1. a. The board of directors of a school district or area
58 26 education agency, the superintendent of a school district or
58 27 the chief administrator of an area education agency, and the
58 28 authorities in charge of a nonpublic school shall report to the
58 29 board the nonrenewal or termination, for reasons of alleged
58 30 or actual misconduct, of a person's contract executed under
58 31 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
58 32 279.24, and the resignation of a person who holds a license,
58 33 certificate, or authorization issued by the board as a result
58 34 of or following an incident or allegation of misconduct that,
58 35 if proven, would constitute a violation of the rules adopted



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59 1 by the board to implement section 272.2, subsection 14,
59 2 paragraph "b", subparagraph (1), when the board or reporting
59 3 official has a good faith belief that the incident occurred
59 4 or the allegation is true. The board may deny a license or
59 5 revoke the license of an administrator if the board finds by
59 6 a preponderance of the evidence that the administrator failed
59 7 to report the termination or resignation of a school employee
59 8 holding a license, certificate, statement of professional
59 9 recognition, or coaching authorization, for reasons of alleged
59 10 or actual misconduct, as defined by this section.
59 11 b. Information reported to the board in accordance with this
59 12 section is privileged and confidential, and except as provided
59 13 in section 272.13, is not subject to discovery, subpoena, or
59 14 other means of legal compulsion for its release to a person
59 15 other than the respondent and the board and its employees and
59 16 agents involved in licensee discipline, and is not admissible
59 17 in evidence in a judicial or administrative proceeding other
59 18 than the proceeding involving licensee discipline. The board
59 19 shall review the information reported to determine whether a
59 20 complaint should be initiated. In making that determination,
59 21 the board shall consider the factors enumerated in section
59 22 272.2, subsection 14, paragraph "a".
59 23 c. For purposes of this section, unless the context
59 24 otherwise requires, "misconduct" means an action disqualifying
59 25 an applicant for a license or causing the license of a person
59 26 to be revoked or suspended in accordance with the rules
59 27 adopted by the board to implement section 272.2, subsection 14,
59 28 paragraph "b", subparagraph (1).
59 29 Sec. 132. Section 280.17, Code 2011, is amended to read as
59 30 follows:
59 31 280.17 Procedures for handling child abuse reports.
59 32 1. The board of directors of a ~~public~~ school district
59 33 and the authorities in ~~control~~ charge of a nonpublic school
59 34 shall prescribe procedures, in accordance with the guidelines
59 35 contained in the model policy developed by the department



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60 1 of education in consultation with the department of human
60 2 services, and adopted by the department of education pursuant
60 3 to chapter 17A, for the handling of reports of child abuse, as
60 4 defined in section 232.68, subsection 2, paragraph "a", "c", or
60 5 "e", alleged to have been committed by an employee or agent of
60 6 the public or nonpublic school.

60 7 2. a. The board of directors of a school district and the
60 8 authorities in charge of an accredited nonpublic school shall
60 9 place on administrative leave a school employee who is the
60 10 subject of an investigation of an alleged incident of abuse of
60 11 a student conducted in accordance with 281 IAC 102.

60 12 b. If the results of an investigation of abuse of a
60 13 student by a school employee who holds a license, certificate,
60 14 authorization, or statement of recognition issued by the board
60 15 of educational examiners finds that the school employee's
60 16 conduct constitutes a crime under any other statute, the board
60 17 or the authorities, as appropriate, shall report the results of
60 18 the investigation to the board of educational examiners.

60 19 Sec. 133. Section 280.27, Code 2011, is amended to read as
60 20 follows:

60 21 280.27 Reporting violence ==== immunity.

60 22 An employee of a school district, an accredited nonpublic
60 23 school, or an area education agency who participates in good
60 24 faith and acts reasonably in the making of a report to, or
60 25 investigation by, an appropriate person or agency regarding
60 26 violence, threats of violence, physical or sexual abuse of
60 27 a student, or other inappropriate activity against a school
60 28 employee or student in a school building, on school grounds,
60 29 or at a school=sponsored function shall be immune from civil
60 30 or criminal liability relating to such action, as well as for
60 31 participating in any administrative or judicial proceeding
60 32 resulting from or relating to the report or investigation.

60 33 DIVISION XV

60 34 BUSINESS PROPERTY TAX CREDITS

60 35 Sec. 134. Section 331.512, Code 2011, is amended by adding



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61 1 the following new subsection:

61 2 NEW SUBSECTION. 13A. Carry out duties relating to the
61 3 business property tax credit as provided in chapter 426C.

61 4 Sec. 135. Section 331.559, Code 2011, is amended by adding
61 5 the following new subsection:

61 6 NEW SUBSECTION. 14A. Carry out duties relating to the
61 7 business property tax credit as provided in chapter 426C.

61 8 Sec. 136. NEW SECTION. 426C.1 Definitions.

61 9 1. For the purposes of this chapter, unless the context
61 10 otherwise requires:

61 11 a. "Contiguous parcels" means any of the following:

61 12 (1) Parcels that share one or more common boundaries.

61 13 (2) Parcels within the same building or structure
61 14 regardless of whether the parcels share one or more common
61 15 boundaries.

61 16 (3) Improvements to the land that are situated on one or
61 17 more parcels of land that are assessed and taxed separately
61 18 from the improvements if the parcels of land upon which the
61 19 improvements are situated share one or more common boundaries.

61 20 b. "Department" means the department of revenue.

61 21 c. "Fund" means the business property tax credit fund
61 22 created in section 426C.2.

61 23 d. "Parcel" means as defined in section 445.1.

61 24 e. "Property unit" means contiguous parcels all of which
61 25 are located within the same county, with the same property tax
61 26 classification, each of which contains permanent improvements,
61 27 are owned by the same person, and are operated by that person
61 28 for a common use and purpose.

61 29 2. For purposes of this chapter, two or more parcels are
61 30 considered to be owned by the same person if the owners of
61 31 the parcels are business entities that share common ownership
61 32 of each entity in an amount equal to or in excess of fifty
61 33 percent.

61 34 Sec. 137. NEW SECTION. 426C.2 Business property tax credit
61 35 fund ==== appropriation.



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62 1 1. A business property tax credit fund is created in the
62 2 state treasury under the authority of the department. For the
62 3 fiscal year beginning July 1, 2012, there is appropriated from
62 4 the general fund of the state to the department to be credited
62 5 to the fund, the sum of fifty million dollars to be used for
62 6 business property tax credits authorized in this chapter. For
62 7 the fiscal year beginning July 1, 2013, and each fiscal year
62 8 thereafter, there is appropriated from the general fund of the
62 9 state to the department to be credited to the fund an amount
62 10 equal to the total amount appropriated by the general assembly
62 11 to the fund in the previous fiscal year. In addition, the sum
62 12 of fifty million dollars shall be added to the appropriation
62 13 in each fiscal year beginning on or after July 1, 2013, if
62 14 the revenue estimating conference certifies during its final
62 15 meeting of the calendar year ending prior to the beginning of
62 16 the fiscal year that the total amount of general fund revenues
62 17 collected during the fiscal year ending during such calendar
62 18 year was at least one hundred four percent of the total amount
62 19 of general fund revenues collected during the previous fiscal
62 20 year. However, the total appropriation to the fund shall not
62 21 exceed two hundred million dollars for any one fiscal year.

62 22 2. Notwithstanding section 12C.7, subsection 2, interest or
62 23 earnings on moneys deposited in the fund shall be credited to
62 24 the fund. Moneys in the fund are not subject to the provisions
62 25 of section 8.33 and shall not be transferred, used, obligated,
62 26 appropriated, or otherwise encumbered except as provided in
62 27 this chapter.

62 28 Sec. 138. NEW SECTION. 426C.3 Claims for credit.

62 29 1. Each person who wishes to claim the credit allowed
62 30 under this chapter shall obtain the appropriate forms from the
62 31 assessor and file the claim with the assessor. The director
62 32 of revenue shall prescribe suitable forms and instructions for
62 33 such claims, and make such forms and instructions available to
62 34 the assessors.

62 35 2. a. Claims for the business property tax credit shall be



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63 1 filed not later than March 15 preceding the fiscal year during
63 2 which the taxes for which the credit is claimed are due and
63 3 payable.

63 4 b. A claim filed after the deadline for filing claims shall
63 5 be considered as a claim for the following year.

63 6 3. Upon the filing of a claim and allowance of the credit,
63 7 the credit shall be allowed on the parcel or property unit for
63 8 successive years without further filing as long as the parcel
63 9 or property unit satisfies the requirements for the credit. If
63 10 the parcel or property unit owner ceases to qualify for the
63 11 credit under this chapter, the owner shall provide written
63 12 notice to the assessor by the date for filing claims specified
63 13 in subsection 2 following the date on which the parcel or
63 14 property unit ceases to qualify for the credit.

63 15 4. When all or a portion of a parcel or property unit that
63 16 is allowed a credit under this chapter is sold, transferred,
63 17 or ownership otherwise changes, the buyer, transferee, or new
63 18 owner who wishes to receive the credit shall refile the claim
63 19 for credit. When a portion of a parcel or property unit that
63 20 is allowed a credit under this chapter is sold, transferred,
63 21 or ownership otherwise changes, the owner of the portion of
63 22 the parcel or property unit for which ownership did not change
63 23 shall refile the claim for credit.

63 24 5. The assessor shall remit the claims for credit to the
63 25 county auditor with the assessor's recommendation for allowance
63 26 or disallowance. If the assessor recommends disallowance
63 27 of a claim, the assessor shall submit the reasons for the
63 28 recommendation, in writing, to the county auditor. The county
63 29 auditor shall forward the claims to the board of supervisors.
63 30 The board shall allow or disallow the claims.

63 31 6. For each claim and allowance of a credit for a property
63 32 unit, the county auditor shall calculate the average of all
63 33 consolidated levy rates applicable to the several parcels
63 34 within the property unit. All claims for credit which have
63 35 been allowed by the board of supervisors, the actual value of



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64 1 the improvements to such parcels and property units applicable
64 2 to the fiscal year for which the credit is claimed that are
64 3 subject to assessment and taxation prior to imposition of any
64 4 applicable assessment limitation, the consolidated levy rates
64 5 for such parcels and the average consolidated levy rates for
64 6 such property units applicable to the fiscal year for which the
64 7 credit is claimed, and the taxing districts in which the parcel
64 8 or property unit is located, shall be certified on or before
64 9 June 15, in each year, by the county auditor to the department.

64 10 7. The assessor shall maintain a permanent file of current
64 11 business property tax credits. The assessor shall file a
64 12 notice of transfer of property for which a credit has been
64 13 allowed when notice is received from the office of the county
64 14 recorder, from the person who sold or transferred the property,
64 15 or from the personal representative of a deceased property
64 16 owner. The county recorder shall give notice to the assessor
64 17 of each transfer of title filed in the recorder's office. The
64 18 notice from the county recorder shall describe the property
64 19 transferred, the name of the person transferring title to the
64 20 property, and the name of the person to whom title to the
64 21 property has been transferred.

64 22 Sec. 139. NEW SECTION. 426C.4 Eligibility and amount of
64 23 credit.

64 24 1. Each parcel classified and taxed as commercial property,
64 25 industrial property, or railway property under chapter 434,
64 26 and improved with permanent construction, is eligible for a
64 27 credit under this chapter. A person may claim and receive one
64 28 credit under this chapter for each eligible parcel unless the
64 29 parcel is part of a property unit. A person may only claim and
64 30 receive one credit under this chapter for each property unit.
64 31 A credit approved for a property unit shall be allocated to the
64 32 several parcels within the property unit in the proportion that
64 33 each parcel's total amount of property taxes due and payable
64 34 attributable to the improvements bears to the total amount of
64 35 property taxes due and payable attributable to the improvements



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65 1 for the property unit. Only property units comprised of
65 2 commercial property, comprised of industrial property, or
65 3 comprised of railway property under chapter 434 are eligible
65 4 for a credit under this chapter.

65 5 2. Using the actual value of the improvements and the
65 6 consolidated levy rate for each parcel or the average
65 7 consolidated levy rate for each property unit, as certified
65 8 by the county auditor to the department under section 426C.3,
65 9 subsection 6, the department shall calculate, for each fiscal
65 10 year, an initial amount of actual value of improvements for
65 11 use in determining the amount of the credit for each such
65 12 parcel or property unit so as to provide the maximum possible
65 13 credit according to the credit formula and limitations under
65 14 subsection 3, and to provide a total dollar amount of credits
65 15 against the taxes due and payable in the fiscal year equal to
65 16 ninety-eight percent of the moneys in the fund following the
65 17 deposit of the total appropriation for the fiscal year.

65 18 3. a. The amount of the credit for each parcel or property
65 19 unit for which a claim for credit under this chapter has
65 20 been approved shall be calculated under paragraph "b" using
65 21 the lesser of the initial amount of actual value of the
65 22 improvements determined by the department under subsection
65 23 2, and the actual value of the improvements to the parcel or
65 24 property unit as certified by the county auditor under section
65 25 426C.3, subsection 6.

65 26 b. The amount of the credit for each parcel or property
65 27 unit for which a claim for credit under this chapter has
65 28 been approved shall be equal to the amount of actual value
65 29 determined under paragraph "a" multiplied by the difference,
65 30 stated as a percentage, between the assessment limitation
65 31 applicable to the parcel or property unit under section 441.21,
65 32 subsection 5, and the assessment limitation applicable to
65 33 residential property under section 441.21, subsection 4,
65 34 divided by one thousand dollars, and then multiplied by the
65 35 consolidated levy rate or average consolidated levy rate per



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66 1 one thousand dollars of taxable value applicable to the parcel
66 2 or property unit for the fiscal year for which the credit
66 3 is claimed as certified by the county auditor under section
66 4 426C.3, subsection 6.
66 5 Sec. 140. NEW SECTION. 426C.5 Payment to counties.
66 6 1. Annually the department shall certify to the county
66 7 auditor of each county the amounts of the business property
66 8 tax credits allowed in the county. Each county auditor shall
66 9 then enter the credits against the tax levied on each eligible
66 10 parcel or property unit in the county, designating on the tax
66 11 lists the credit as being from the fund. Each taxing district
66 12 shall receive its share of the business property tax credit
66 13 allowed on each eligible parcel or property unit in such taxing
66 14 district, in the proportion that the levy made by such taxing
66 15 district upon the parcel or property unit bears to the total
66 16 levy upon the parcel or property unit by all taxing districts
66 17 imposing a property tax in such taxing district. However, the
66 18 several taxing districts shall not draw the moneys so credited
66 19 until after the semiannual allocations have been received by
66 20 the county treasurer, as provided in this section. Each county
66 21 treasurer shall show on each tax receipt the amount of credit
66 22 received from the fund.
66 23 2. The director of the department of administrative
66 24 services shall issue warrants on the fund payable to the county
66 25 treasurers of the several counties of the state under this
66 26 chapter.
66 27 3. The amount due each county shall be paid in two payments
66 28 on November 15 and March 15 of each fiscal year, drawn upon
66 29 warrants payable to the respective county treasurers. The two
66 30 payments shall be as nearly equal as possible.
66 31 Sec. 141. NEW SECTION. 426C.6 Appeals.
66 32 1. If the board of supervisors disallows a claim for credit
66 33 under section 426C.3, subsection 5, the board of supervisors
66 34 shall send written notice, by mail, to the claimant at the
66 35 claimant's last known address. The notice shall state the



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67 1 reasons for disallowing the claim for the credit. The board
67 2 of supervisors is not required to send notice that a claim for
67 3 credit is disallowed if the claimant voluntarily withdraws the
67 4 claim. Any person whose claim is denied under the provisions
67 5 of this chapter may appeal from the action of the board of
67 6 supervisors to the district court of the county in which the
67 7 parcel or property unit is located by giving written notice
67 8 of such appeal to the county auditor within twenty days from
67 9 the date of mailing of notice of such action by the board of
67 10 supervisors.

67 11 2. If any claim for credit has been denied by the board
67 12 of supervisors, and such action is subsequently reversed on
67 13 appeal, the credit shall be allowed on the applicable parcel
67 14 or property unit, and the director of revenue, the county
67 15 auditor, and the county treasurer shall provide the credit and
67 16 change their books and records accordingly. In the event the
67 17 appealing taxpayer has paid one or both of the installments of
67 18 the tax payable in the year or years in question, remittance
67 19 shall be made to such taxpayer of the amount of such credit.
67 20 The amount of such credit awarded on appeal shall be allocated
67 21 and paid from the balance remaining in the fund.

67 22 Sec. 142. NEW SECTION. 426C.7 Audit ==== denial.

67 23 1. If on the audit of a credit provided under this chapter,
67 24 the director of revenue determines the amount of the credit
67 25 to have been incorrectly calculated or that the credit is
67 26 not allowable, the director shall recalculate the credit and
67 27 notify the taxpayer and the county auditor of the recalculation
67 28 or denial and the reasons for it. The director shall not
67 29 adjust a credit after three years from October 31 of the year
67 30 in which the claim for the credit was filed. If the credit
67 31 has been paid, the director shall give notification to the
67 32 taxpayer, the county treasurer, and the applicable assessor
67 33 of the recalculation or denial of the credit and the county
67 34 treasurer shall proceed to collect the tax owed in the same
67 35 manner as other property taxes due and payable are collected,



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68 1 if the parcel or property unit for which the credit was allowed
68 2 is still owned by the taxpayer. If the parcel or property unit
68 3 for which the credit was allowed is not owned by the taxpayer,
68 4 the amount may be recovered from the taxpayer by assessment in
68 5 the same manner that income taxes are assessed under sections
68 6 422.26 and 422.30. The amount of such erroneous credit, when
68 7 collected, shall be deposited in the fund.

68 8 2. The taxpayer or board of supervisors may appeal any
68 9 decision of the director of revenue to the state board of tax
68 10 review pursuant to section 421.1, subsection 5. The taxpayer,
68 11 the board of supervisors, or the director of revenue may seek
68 12 judicial review of the action of the state board of tax review
68 13 in accordance with chapter 17A.

68 14 Sec. 143. NEW SECTION. 426C.8 False claim ==== penalty.

68 15 A person who makes a false claim for the purpose of obtaining
68 16 a credit provided for in this chapter or who knowingly receives
68 17 the credit without being legally entitled to it is guilty of a
68 18 fraudulent practice. The claim for a credit of such a person
68 19 shall be disallowed and if the credit has been paid the amount
68 20 shall be recovered in the manner provided in section 426C.7.
68 21 In such cases, the director of revenue shall send a notice of
68 22 disallowance of the credit.

68 23 Sec. 144. NEW SECTION. 426C.9 Rules.

68 24 The director of revenue shall prescribe forms, instructions,
68 25 and rules pursuant to chapter 17A, as necessary, to carry out
68 26 the purposes of this chapter.

68 27 Sec. 145. IMPLEMENTATION. Notwithstanding the deadline
68 28 for filing claims established in section 426C.3, for a credit
68 29 against property taxes due and payable during the fiscal year
68 30 beginning July 1, 2012, the claim for the credit shall be filed
68 31 not later than January 15, 2012.

68 32 Sec. 146. APPLICABILITY. This division of this Act applies
68 33 to property taxes due and payable in fiscal years beginning on
68 34 or after July 1, 2012.

68 35 DIVISION XVI



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69 1 COUNTY AND CITY BUDGET LIMITATION
69 2 Sec. 147. Section 28M.5, subsection 2, Code 2011, is amended
69 3 to read as follows:
69 4 2. If a regional transit district budget allocates
69 5 revenue responsibilities to the board of supervisors of a
69 6 participating county, the amount of the regional transit
69 7 district levy that is the responsibility of the participating
69 8 county shall be deducted from the maximum ~~rates~~ amount of taxes
69 9 authorized to be levied by the county pursuant to section
69 10 331.423, ~~subsections 1 and 2~~ subsection 3, paragraphs "b"
69 11 and "c", as applicable, unless the county meets its revenue
69 12 responsibilities as allocated in the budget from other
69 13 available revenue sources. However, for a regional transit
69 14 district that includes a county with a population of less than
69 15 three hundred thousand, the amount of the regional transit
69 16 district levy that is the responsibility of such participating
69 17 county shall be deducted from the maximum ~~rate~~ amount of taxes
69 18 authorized to be levied by the county pursuant to section
69 19 331.423, subsection ~~4~~ 3, paragraph "b".
69 20 Sec. 148. Section 331.263, subsection 2, Code 2011, is
69 21 amended to read as follows:
69 22 2. The governing body of the community commonwealth
69 23 shall have the authority to levy county taxes and shall
69 24 have the authority to levy city taxes to the extent the
69 25 city tax levy authority is transferred by the charter to
69 26 the community commonwealth. A city participating in the
69 27 community commonwealth shall transfer a portion of the
69 28 city's tax levy authorized under section 384.1 or 384.12,
69 29 whichever is applicable, to the governing body of the community
69 30 commonwealth. The maximum ~~rates~~ amount of taxes authorized to
69 31 be levied under ~~sections~~ section 384.1 and the maximum amount
69 32 of taxes authorized to be levied under section 384.12 by a city
69 33 participating in the community commonwealth shall be reduced
69 34 by an amount equal to the rates of the same or similar taxes
69 35 levied in the city by the governing body of the community



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70 1 commonwealth.
70 2 Sec. 149. Section 331.421, Code 2011, is amended by adding
70 3 the following new subsection:
70 4 NEW SUBSECTION. 7A. "Item" means a budgeted expenditure,
70 5 appropriation, or cash reserve from a fund for a service area,
70 6 program, program element, or purpose.
70 7 Sec. 150. Section 331.423, Code 2011, is amended by striking
70 8 the section and inserting in lieu thereof the following:
70 9 331.423 Property tax dollars ==== basic levy maximums.
70 10 1. Annually, the board shall determine separate property
70 11 tax levy limits to pay for general county services and rural
70 12 county services in accordance with this section. The basic
70 13 levies separately certified for general county services and
70 14 rural county services under section 331.434 shall not raise
70 15 property tax dollars that exceed the amount determined under
70 16 this section.
70 17 2. For purposes of this section and section 331.423B, unless
70 18 the context otherwise requires:
70 19 a. "Annual growth factor" means an index, expressed as
70 20 a percentage, determined by the department of management by
70 21 November 1 of the calendar year preceding the calendar year in
70 22 which the budget year begins. In determining the annual growth
70 23 factor, the department shall calculate the average of the
70 24 preceding three-year percentage change, which shall be computed
70 25 on an annual basis, in the midwest consumer price index, ending
70 26 with the percentage change for the month of September. The
70 27 department shall then add that average percentage change to one
70 28 hundred percent.
70 29 b. "Boundary adjustment" means annexation, severance,
70 30 incorporation, or discontinuance as those terms are defined in
70 31 section 368.1.
70 32 c. "Budget year" is the fiscal year beginning during the
70 33 calendar year in which a budget is certified.
70 34 d. "Current fiscal year" is the fiscal year ending during
70 35 the calendar year in which a budget is certified.



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71 1 e. "Net new valuation taxes" means the amount of property
71 2 tax dollars equal to the current fiscal year's basic levy rate
71 3 in the county for general county services or for rural county
71 4 services, as applicable, multiplied by the increase from the
71 5 current fiscal year to the budget year in taxable valuation due
71 6 to the following:

71 7 (1) Net new construction, including all incremental
71 8 valuation that is released in any one year from a division of
71 9 revenue under section 260E.4 or an urban renewal area for which
71 10 taxes were being divided under section 403.19, regardless of
71 11 whether the property for the valuation being released remains
71 12 subject to the division of revenue under section 260E.4 or
71 13 remains part of the urban renewal area that is subject to
71 14 a division of revenue under section 403.19. The amount of
71 15 property tax dollars attributable to such incremental valuation
71 16 being released from a division of revenue shall be subtracted
71 17 from the maximum amount of property tax dollars which may
71 18 be certified for the next following fiscal year if such
71 19 incremental valuation is not released for the next following
71 20 fiscal year.

71 21 (2) Additions or improvements to existing structures.

71 22 (3) Remodeling of existing structures for which a building
71 23 permit is required.

71 24 (4) Net boundary adjustment.

71 25 (5) A municipality no longer dividing tax revenues in an
71 26 urban renewal area as provided in section 403.19 or a community
71 27 college no longer dividing revenues as provided in section
71 28 260E.4.

71 29 (6) That portion of taxable property located in an urban
71 30 revitalization area on which an exemption was allowed and such
71 31 exemption has expired.

71 32 f. "Unfunded federal and state mandate cost growth" means an
71 33 amount of increased expenditures for a county from the previous
71 34 fiscal year, to the extent such expenditures are not funded by
71 35 the county's supplemental levy under section 331.424, resulting



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72 1 from any of the following:

72 2 (1) A federal statutory requirement or appropriation
72 3 that requires the county to establish, expand, or modify its
72 4 activities in a manner which necessitates additional annual
72 5 expenditures and for which insufficient funding is provided to
72 6 the county to satisfy such requirements.

72 7 (2) A state mandate as defined in section 25B.3, and for
72 8 which insufficient funding is provided to the county to satisfy
72 9 the requirements of the state mandate.

72 10 3. a. For the fiscal year beginning July 1, 2013, and
72 11 subsequent fiscal years, the maximum amount of property tax
72 12 dollars which may be certified for levy by a county for general
72 13 county services and rural county services shall be the maximum
72 14 property tax dollars calculated under paragraphs "b" and "c",
72 15 respectively.

72 16 b. The maximum property tax dollars that may be levied for
72 17 general county services is an amount equal to the sum of the
72 18 following:

72 19 (1) The annual growth factor times the current fiscal year's
72 20 maximum property tax dollars for general county services.

72 21 (2) The amount of net new valuation taxes in the county.

72 22 (3) The unfunded federal and state mandate cost growth minus
72 23 the amount specified in paragraph "c", subparagraph (3).

72 24 c. The maximum property tax dollars that may be levied for
72 25 rural county services is an amount equal to the sum of the
72 26 following:

72 27 (1) The annual growth factor times the current fiscal year's
72 28 maximum property tax dollars for rural county services.

72 29 (2) The amount of net new valuation taxes in the
72 30 unincorporated area of the county.

72 31 (3) The unfunded federal and state mandate cost growth
72 32 attributable to the costs incurred by the county for rural
72 33 county services.

72 34 4. a. For purposes of calculating maximum property tax
72 35 dollars for general county services for the fiscal year



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73 1 beginning July 1, 2013, only, the term "current fiscal year's
73 2 maximum property tax dollars" shall mean the total amount of
73 3 property tax dollars certified by the county for general county
73 4 services for the fiscal year beginning July 1, 2012, excluding
73 5 those property tax dollars that resulted from a supplemental
73 6 levy under section 331.424, subsection 1.
73 7 b. For purposes of calculating maximum property tax dollars
73 8 for rural county services for the fiscal year beginning July
73 9 1, 2013, only, the term "current fiscal year's maximum property
73 10 tax dollars" shall mean the total amount of property tax dollars
73 11 certified by the county for rural county services for the
73 12 fiscal year beginning July 1, 2012, excluding those property
73 13 tax dollars that resulted from a supplemental levy under
73 14 section 331.424, subsection 2.
73 15 5. Property taxes certified under section 331.424, property
73 16 taxes certified for deposit in the mental health, mental
73 17 retardation, and developmental disabilities services fund in
73 18 section 331.424A, for the emergency services fund in section
73 19 331.424C, for the debt service fund in section 331.430, for any
73 20 capital projects fund established by the county for deposit of
73 21 bond, loan, or note proceeds, and for any temporary increase
73 22 approved pursuant to section 331.423C, are not included in the
73 23 maximum amount of property tax dollars that may be certified
73 24 for a budget year under subsection 3.
73 25 6. The department of management, in consultation with the
73 26 county finance committee, shall adopt rules to administer this
73 27 section. The department shall prescribe forms to be used by
73 28 counties when making calculations required by this section.
73 29 Sec. 151. NEW SECTION. 331.423B Ending fund balance.
73 30 1. a. Budgeted ending fund balances for a budget year
73 31 in excess of twenty=five percent of budgeted expenditures in
73 32 either the general fund or rural services fund for that budget
73 33 year shall be explicitly committed or assigned for a specific
73 34 purpose.
73 35 b. A county is encouraged, but not required, to reduce



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74 1 budgeted, uncommitted, or unassigned ending fund balances for
74 2 the budget year to an amount equal to approximately twenty=five
74 3 percent of budgeted expenditures and transfers from the general
74 4 fund and rural services fund for that budget year unless a
74 5 decision is certified by the state appeal board ordering a
74 6 reduction in the ending fund balance of any of those funds.
74 7 c. In a protest to the county budget under section 331.436,
74 8 the county shall have the burden of proving that the budgeted
74 9 balances in excess of twenty=five percent are reasonably likely
74 10 to be appropriated for the explicitly committed or assigned
74 11 specific purpose. The excess budgeted balance for the specific
74 12 purpose shall be considered an increase in an item in the
74 13 budget for purposes of section 24.28.
74 14 2. a. For a county that has, as of June 30, 2012, reduced
74 15 its actual ending fund balance to less than twenty=five
74 16 percent of actual expenditures, additional property taxes may
74 17 be computed and levied as provided in this subsection. The
74 18 additional property tax levy amount is an amount not to exceed
74 19 twenty=five percent of actual expenditures from the general
74 20 fund and rural services fund for the fiscal year beginning July
74 21 1, 2011, minus the combined ending fund balances for those
74 22 funds for that year.
74 23 b. The amount of the additional property taxes shall be
74 24 apportioned between the general fund and the rural services
74 25 fund. However, the amount apportioned for general county
74 26 services and for rural county services shall not exceed for
74 27 each fund twenty=five percent of actual expenditures for the
74 28 fiscal year beginning July 1, 2011.
74 29 c. All or a portion of additional property tax dollars
74 30 may be levied for the purpose of increasing cash reserves
74 31 for general county services and rural county services in the
74 32 budget year. The additional property tax dollars authorized
74 33 under this subsection but not levied may be carried forward as
74 34 unused ending fund balance taxing authority until and for the
74 35 fiscal year beginning July 1, 2018. The amount carried forward



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75 1 shall not exceed twenty=five percent of the maximum amount of
75 2 property tax dollars available in the current fiscal year.
75 3 Additionally, property taxes that are levied as unused ending
75 4 fund balance taxing authority under this subsection may be the
75 5 subject of a protest under section 331.436, and the amount
75 6 will be considered an increase in an item in the budget for
75 7 purposes of section 24.28. The amount of additional property
75 8 taxes levied under this subsection shall not be included in the
75 9 computation of the maximum amount of property tax dollars which
75 10 may be certified and levied under section 331.423.

75 11 Sec. 152. NEW SECTION. 331.423C Authority to levy beyond
75 12 maximum property tax dollars.

75 13 1. The board may certify additions to the maximum amount
75 14 of property tax dollars to be levied for a budget year if the
75 15 county conducts a second public hearing prior to certification
75 16 of the budget to the county auditor, in addition to the hearing
75 17 held as required under section 331.434. The second public
75 18 hearing shall be conducted in the same manner as the public
75 19 hearing on the budget required in section 331.434.

75 20 2. The amount of additional property tax dollars certified
75 21 under this section shall not be included in the computation
75 22 of the maximum amount of property tax dollars which may be
75 23 certified and levied under section 331.423 for future budget
75 24 years.

75 25 Sec. 153. Section 331.424, unnumbered paragraph 1, Code
75 26 2011, is amended to read as follows:

75 27 To the extent that the basic levies authorized under section
75 28 331.423 are insufficient to meet the county's needs for the
75 29 following services, the board may certify supplemental levies
75 30 as follows:

75 31 Sec. 154. Section 331.424A, subsection 4, Code 2011, is
75 32 amended to read as follows:

75 33 4. For the fiscal year beginning July 1, 1996, and for each
75 34 subsequent fiscal year, the county shall certify a levy for
75 35 payment of services. For each fiscal year, county revenues



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76 1 from taxes imposed by the county credited to the services fund
76 2 shall not exceed an amount equal to the amount of base year
76 3 expenditures for services as defined in section 331.438, less
76 4 the amount of property tax relief to be received pursuant to
76 5 section 426B.2, in the fiscal year for which the budget is
76 6 certified. The county auditor and the board of supervisors
76 7 shall reduce the amount of the levy certified for the services
76 8 fund by the amount of property tax relief to be received. A
76 9 levy certified under this section is not subject to ~~the appeal~~
~~76 10 provisions of section 331.426 or to any other provision in law~~
76 11 authorizing a county to exceed, increase, or appeal a property
76 12 tax levy limit.

76 13 Sec. 155. Section 331.434, subsection 1, Code 2011, is
76 14 amended to read as follows:

76 15 1. The budget shall show the amount required for each class
76 16 of proposed expenditures, a comparison of the amounts proposed
76 17 to be expended with the amounts expended for like purposes for
76 18 the two preceding years, the revenues from sources other than
76 19 property taxation, and the amount to be raised by property
76 20 taxation, in the detail and form prescribed by the director
76 21 of the department of management. For each county that has
76 22 established an urban renewal area, the budget shall include
76 23 estimated and actual tax increment financing revenues and all
76 24 estimated and actual expenditures of the revenues, proceeds
76 25 from debt and all estimated and actual expenditures of the
76 26 debt proceeds, and identification of any entity receiving a
76 27 direct payment of taxes funded by tax increment financing
76 28 revenues and shall include the total amount of loans, advances,
76 29 indebtedness, or bonds outstanding at the close of the most
76 30 recently ended fiscal year, which qualify for payment from the
76 31 special fund created in section 403.19, including interest
76 32 negotiated on such loans, advances, indebtedness, or bonds.
76 33 For purposes of this subsection, "indebtedness" includes
76 34 written agreements whereby the county agrees to suspend, abate,
76 35 exempt, rebate, refund, or reimburse property taxes, provide



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77 1 a grant for property taxes paid, or make a direct payment
77 2 of taxes, with moneys in the special fund. The amount of
77 3 loans, advances, indebtedness, or bonds shall be listed in
77 4 the aggregate for each county reporting. ~~The county finance~~
~~77 5 committee, in consultation with the department of management~~
~~77 6 and the legislative services agency, shall determine reporting~~
~~77 7 criteria and shall prepare a form for reports filed with the~~
~~77 8 department pursuant to this section. The department shall make~~
~~77 9 the information available by electronic means.~~
77 10 Sec. 156. Section 373.10, Code 2011, is amended to read as
77 11 follows:
77 12 373.10 Taxing authority.
77 13 The metropolitan council shall have the authority to
77 14 levy city taxes to the extent the city tax levy authority
77 15 is transferred by the charter to the metropolitan council.
77 16 A member city shall transfer a portion of the city's tax
77 17 levy authorized under section 384.1 or 384.12, whichever is
77 18 applicable, to the metropolitan council. The maximum ~~rates~~
~~77 19 amount of taxes authorized to be levied under sections~~ section
77 20 384.1 and the taxes authorized to be levied under
77 21 section 384.12 by a member city shall be reduced by an amount
77 22 equal to the rates of the same or similar taxes levied in the
77 23 city by the metropolitan council.
77 24 Sec. 157. Section 384.1, Code 2011, is amended by striking
77 25 the section and inserting in lieu thereof the following:
77 26 384.1 Property tax dollars ==== maximums.
77 27 1. A city shall certify taxes to be levied by the city
77 28 on all taxable property within the city limits, for all city
77 29 government purposes. Annually, the city council may certify
77 30 basic levies for city government purposes, subject to the
77 31 limitation on property tax dollars provided in this section.
77 32 2. For purposes of this section and section 384.1B, unless
77 33 the context otherwise requires:
77 34 a. "Annual growth factor" means an index, expressed as
77 35 a percentage, determined by the department of management by



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78 1 November 1 of the calendar year preceding the calendar year in
78 2 which the budget year begins. In determining the annual growth
78 3 factor, the department shall calculate the average of the
78 4 preceding three-year percentage change, which shall be computed
78 5 on an annual basis, in the midwest consumer price index, ending
78 6 with the percentage change for the month of September. The
78 7 department shall then add that average percentage change to one
78 8 hundred percent.

78 9 b. "Boundary adjustment" means annexation, severance,
78 10 incorporation, or discontinuance as those terms are defined in
78 11 section 368.1.

78 12 c. "Budget year" is the fiscal year beginning during the
78 13 calendar year in which a budget is certified.

78 14 d. "Current fiscal year" is the fiscal year ending during
78 15 the calendar year in which a budget is certified.

78 16 e. "Net new valuation taxes" means the amount of property
78 17 tax dollars equal to the current fiscal year's levy rate in the
78 18 city for the general fund multiplied by the increase from the
78 19 current fiscal year to the budget year in taxable valuation due
78 20 to the following:

78 21 (1) Net new construction, including all incremental
78 22 valuation that is released in any one year from a division of
78 23 revenue under section 260E.4 or an urban renewal area for which
78 24 taxes were being divided under section 403.19, regardless of
78 25 whether the property for the valuation being released remains
78 26 subject to the division of revenue under section 260E.4 or
78 27 remains part of the urban renewal area that is subject to
78 28 a division of revenue under section 403.19. The amount of
78 29 property tax dollars attributable to such incremental valuation
78 30 being released from a division of revenue shall be subtracted
78 31 from the maximum amount of property tax dollars which may
78 32 be certified for the next following fiscal year if such
78 33 incremental valuation is not released for the next following
78 34 fiscal year.

78 35 (2) Additions or improvements to existing structures.



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79 1 (3) Remodeling of existing structures for which a building
79 2 permit is required.
79 3 (4) Net boundary adjustment.
79 4 (5) A municipality no longer dividing tax revenues in an
79 5 urban renewal area as provided in section 403.19 or a community
79 6 college no longer dividing revenues as provided in section
79 7 260E.4.
79 8 (6) That portion of taxable property located in an urban
79 9 revitalization area on which an exemption was allowed and such
79 10 exemption has expired.
79 11 f. "Unfunded federal and state mandate cost growth" means an
79 12 amount of increased expenditures for a city from the previous
79 13 fiscal year resulting from any of the following:
79 14 (1) A federal statutory requirement or appropriation
79 15 that requires the city to establish, expand, or modify its
79 16 activities in a manner which necessitates additional annual
79 17 expenditures and for which insufficient funding is provided to
79 18 the city to satisfy such requirements.
79 19 (2) A state mandate as defined in section 25B.3, and for
79 20 which insufficient funding is provided to the city to satisfy
79 21 the requirements of the state mandate.
79 22 3. a. For the fiscal year beginning July 1, 2013, and
79 23 subsequent fiscal years, the maximum amount of property
79 24 tax dollars which may be certified for levy by a city for
79 25 the general fund shall be the maximum property tax dollars
79 26 calculated under paragraph "b".
79 27 b. The maximum property tax dollars that may be levied for
79 28 deposit in the general fund is an amount equal to the sum of the
79 29 following:
79 30 (1) The annual growth factor times the current fiscal year's
79 31 maximum property tax dollars for the general fund.
79 32 (2) The amount of net new valuation taxes in the city.
79 33 (3) The unfunded federal and state mandate cost growth.
79 34 4. For purposes of calculating maximum property tax dollars
79 35 for the city general fund for the fiscal year beginning July



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80 1 1, 2013, only, the term "current fiscal year's maximum property
80 2 tax dollars" shall mean the total amount of property tax dollars
80 3 certified by the city for the city's general fund for the
80 4 fiscal year beginning July 1, 2012.

80 5 5. Property taxes certified for deposit in the debt service
80 6 fund in section 384.4, trust and agency funds in section
80 7 384.6, capital improvements reserve fund in section 384.7,
80 8 the emergency fund in section 384.8, any capital projects
80 9 fund established by the city for deposit of bond, loan, or
80 10 note proceeds, any temporary increase approved pursuant to
80 11 section 384.12A, property taxes collected from a voted levy in
80 12 section 384.12, and property taxes levied under section 384.12,
80 13 subsection 18, are not counted against the maximum amount of
80 14 property tax dollars that may be certified for a fiscal year
80 15 under subsection 3.

80 16 6. Notwithstanding the maximum amount of taxes a city
80 17 may certify for levy, the tax levied by a city on tracts of
80 18 land and improvements on the tracts of land used and assessed
80 19 for agricultural or horticultural purposes shall not exceed
80 20 three dollars and three-eighths cents per thousand dollars
80 21 of assessed value in any year. Improvements located on such
80 22 tracts of land and not used for agricultural or horticultural
80 23 purposes and all residential dwellings are subject to the same
80 24 rate of tax levied by the city on all other taxable property
80 25 within the city.

80 26 7. The department of management, in consultation with the
80 27 city finance committee, shall adopt rules to administer this
80 28 section. The department shall prescribe forms to be used by
80 29 cities when making calculations required by this section.

80 30 Sec. 158. NEW SECTION. 384.1B Ending fund balance.

80 31 1. a. Budgeted general fund ending fund balances for
80 32 a budget year in excess of twenty-five percent of budgeted
80 33 expenditures from the general fund for that budget year shall
80 34 be explicitly committed or assigned for a specific purpose.

80 35 b. A city is encouraged, but not required, to reduce



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81 1 budgeted, uncommitted, or unassigned ending fund balances for
81 2 the budget year to an amount equal to approximately twenty=five
81 3 percent of budgeted expenditures and transfers from the general
81 4 fund for that budget year unless a decision is certified by
81 5 the state appeal board ordering a reduction in the ending fund
81 6 balance of the fund.

81 7 c. In a protest to the city budget under section 384.19,
81 8 the city shall have the burden of proving that the budgeted
81 9 balances in excess of twenty=five percent are reasonably likely
81 10 to be appropriated for the explicitly committed or assigned
81 11 specific purpose. The excess budgeted balance for the specific
81 12 purpose shall be considered an increase in an item in the
81 13 budget for purposes of section 24.28.

81 14 2. a. For a city that has, as of June 30, 2012, reduced its
81 15 ending fund balance to less than twenty=five percent of actual
81 16 expenditures, additional property taxes may be computed and
81 17 levied as provided in this subsection. The additional property
81 18 tax levy amount is an amount not to exceed the difference
81 19 between twenty=five percent of actual expenditures for city
81 20 government purposes for the fiscal year beginning July 1, 2011,
81 21 minus the ending fund balance for that year.

81 22 b. All or a portion of additional property tax dollars
81 23 may be levied for the purpose of increasing cash reserves for
81 24 city government purposes in the budget year. The additional
81 25 property tax dollars authorized under this subsection but not
81 26 levied may be carried forward as unused ending fund balance
81 27 taxing authority until and for the fiscal year beginning
81 28 July 1, 2018. The amount carried forward shall not exceed
81 29 twenty=five percent of the maximum amount of property tax
81 30 dollars available in the current fiscal year. Additionally,
81 31 property taxes that are levied as unused ending fund balance
81 32 taxing authority under this subsection may be the subject of a
81 33 protest under section 384.19, and the amount will be considered
81 34 an increase in an item in the budget for purposes of section
81 35 24.28. The amount of additional property tax dollars levied



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82 1 under this subsection shall not be included in the computation
82 2 of the maximum amount of property tax dollars which may be
82 3 certified and levied under section 384.1.

82 4 Sec. 159. Section 384.12, subsection 20, Code 2011, is
82 5 amended by striking the subsection.

82 6 Sec. 160. NEW SECTION. 384.12A Authority to levy beyond
82 7 maximum property tax dollars.

82 8 1. The city council may certify additions to the maximum
82 9 amount of property tax dollars to be levied for a budget
82 10 year if the city conducts a second public hearing prior to
82 11 certification of the budget to the county auditor, in addition
82 12 to the hearing held as required under section 384.16. The
82 13 second public hearing shall be conducted in the same manner as
82 14 the public hearing on the budget required in section 384.16.

82 15 2. The amount of additional property tax dollars certified
82 16 under this section shall not be included in the computation
82 17 of the maximum amount of property tax dollars which may be
82 18 certified and levied under section 384.1 for future budget
82 19 years.

82 20 Sec. 161. Section 384.16, subsection 1, paragraph b, Code
82 21 2011, is amended to read as follows:

82 22 b. A budget must show comparisons between the estimated
82 23 expenditures in each program in the following year, the latest
82 24 estimated expenditures in each program in the current year,
82 25 and the actual expenditures in each program from the annual
82 26 report as provided in section 384.22, or as corrected by a
82 27 subsequent audit report. Wherever practicable, as provided in
82 28 rules of the committee, a budget must show comparisons between
82 29 the levels of service provided by each program as estimated for
82 30 the following year, and actual levels of service provided by
82 31 each program during the two preceding years. For each city
82 32 that has established an urban renewal area, the budget shall
82 33 include estimated and actual tax increment financing revenues
82 34 and all estimated and actual expenditures of the revenues,
82 35 proceeds from debt and all estimated and actual expenditures of



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83 1 the debt proceeds, and identification of any entity receiving
83 2 a direct payment of taxes funded by tax increment financing
83 3 revenues and shall include the total amount of loans, advances,
83 4 indebtedness, or bonds outstanding at the close of the most
83 5 recently ended fiscal year, which qualify for payment from the
83 6 special fund created in section 403.19, including interest
83 7 negotiated on such loans, advances, indebtedness, or bonds.
83 8 The amount of loans, advances, indebtedness, or bonds shall
83 9 be listed in the aggregate for each city reporting. ~~The city~~
~~83 10 finance committee, in consultation with the department of~~
~~83 11 management and the legislative services agency, shall determine~~
~~83 12 reporting criteria and shall prepare a form for reports filed~~
~~83 13 with the department pursuant to this section. The department~~
~~83 14 shall make the information available by electronic means.~~
83 15 Sec. 162. Section 384.19, Code 2011, is amended by adding
83 16 the following new unnumbered paragraph:
83 17 NEW UNNUMBERED PARAGRAPH For purposes of a tax protest
83 18 filed under this section, "item" means a budgeted expenditure,
83 19 appropriation, or cash reserve from a fund for a service area,
83 20 program, program element, or purpose.
83 21 Sec. 163. Section 386.8, Code 2011, is amended to read as
83 22 follows:
83 23 386.8 Operation tax.
83 24 A city may establish a self-supported improvement district
83 25 operation fund, and may certify taxes not to exceed the
83 26 rate limitation as established in the ordinance creating the
83 27 district, or any amendment thereto, each year to be levied
83 28 for the fund against all of the property in the district,
83 29 for the purpose of paying the administrative expenses of
83 30 the district, which may include but are not limited to
83 31 administrative personnel salaries, a separate administrative
83 32 office, planning costs including consultation fees, engineering
83 33 fees, architectural fees, and legal fees and all other expenses
83 34 reasonably associated with the administration of the district
83 35 and the fulfilling of the purposes of the district. The taxes



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84 1 levied for this fund may also be used for the purpose of paying
84 2 maintenance expenses of improvements or self=liquidating
84 3 improvements for a specified length of time with one or more
84 4 options to renew if such is clearly stated in the petition
84 5 which requests the council to authorize construction of the
84 6 improvement or self=liquidating improvement, whether or not
84 7 such petition is combined with the petition requesting creation
84 8 of a district. Parcels of property which are assessed as
84 9 residential property for property tax purposes are exempt from
84 10 the tax levied under this section except residential properties
84 11 within a duly designated historic district. A tax levied under
84 12 this section is not subject to the ~~levy~~ limitation in section
84 13 384.1.

84 14 Sec. 164. Section 386.9, Code 2011, is amended to read as
84 15 follows:

84 16 386.9 Capital improvement tax.

84 17 A city may establish a capital improvement fund for a
84 18 district and may certify taxes, not to exceed the rate
84 19 established by the ordinance creating the district, or any
84 20 subsequent amendment thereto, each year to be levied for
84 21 the fund against all of the property in the district, for
84 22 the purpose of accumulating moneys for the financing or
84 23 payment of a part or all of the costs of any improvement or
84 24 self=liquidating improvement. However, parcels of property
84 25 which are assessed as residential property for property tax
84 26 purposes are exempt from the tax levied under this section
84 27 except residential properties within a duly designated historic
84 28 district. A tax levied under this section is not subject to
84 29 the ~~levy~~ limitations in section 384.1 or 384.7.

84 30 Sec. 165. REPEAL. Sections 331.425 and 331.426, Code 2011,
84 31 are repealed.

84 32 Sec. 166. EFFECTIVE DATE AND APPLICABILITY. This division
84 33 of this Act takes effect July 1, 2012, and applies to fiscal
84 34 years beginning on or after July 1, 2013.

84 35 DIVISION XVII



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85 1 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION
85 2 Sec. 167. Section 441.21, subsection 4, Code 2011, is
85 3 amended to read as follows:
85 4 4. For valuations established as of January 1, 1979,
85 5 the percentage of actual value at which agricultural and
85 6 residential property shall be assessed shall be the quotient
85 7 of the dividend and divisor as defined in this section. The
85 8 dividend for each class of property shall be the dividend
85 9 as determined for each class of property for valuations
85 10 established as of January 1, 1978, adjusted by the product
85 11 obtained by multiplying the percentage determined for that
85 12 year by the amount of any additions or deletions to actual
85 13 value, excluding those resulting from the revaluation of
85 14 existing properties, as reported by the assessors on the
85 15 abstracts of assessment for 1978, plus six percent of the
85 16 amount so determined. However, if the difference between the
85 17 dividend so determined for either class of property and the
85 18 dividend for that class of property for valuations established
85 19 as of January 1, 1978, adjusted by the product obtained by
85 20 multiplying the percentage determined for that year by the
85 21 amount of any additions or deletions to actual value, excluding
85 22 those resulting from the revaluation of existing properties,
85 23 as reported by the assessors on the abstracts of assessment
85 24 for 1978, is less than six percent, the 1979 dividend for the
85 25 other class of property shall be the dividend as determined for
85 26 that class of property for valuations established as of January
85 27 1, 1978, adjusted by the product obtained by multiplying
85 28 the percentage determined for that year by the amount of
85 29 any additions or deletions to actual value, excluding those
85 30 resulting from the revaluation of existing properties, as
85 31 reported by the assessors on the abstracts of assessment for
85 32 1978, plus a percentage of the amount so determined which is
85 33 equal to the percentage by which the dividend as determined
85 34 for the other class of property for valuations established
85 35 as of January 1, 1978, adjusted by the product obtained by



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86 1 multiplying the percentage determined for that year by the
86 2 amount of any additions or deletions to actual value, excluding
86 3 those resulting from the revaluation of existing properties,
86 4 as reported by the assessors on the abstracts of assessment
86 5 for 1978, is increased in arriving at the 1979 dividend for
86 6 the other class of property. The divisor for each class of
86 7 property shall be the total actual value of all such property
86 8 in the state in the preceding year, as reported by the
86 9 assessors on the abstracts of assessment submitted for 1978,
86 10 plus the amount of value added to said total actual value by
86 11 the revaluation of existing properties in 1979 as equalized
86 12 by the director of revenue pursuant to section 441.49. The
86 13 director shall utilize information reported on abstracts of
86 14 assessment submitted pursuant to section 441.45 in determining
86 15 such percentage. For valuations established as of January 1,
86 16 1980, and each year thereafter, the percentage of actual value
86 17 as equalized by the director of revenue as provided in section
86 18 441.49 at which agricultural and residential property shall be
86 19 assessed shall be calculated in accordance with the methods
86 20 provided herein including the limitation of increases in
86 21 agricultural and residential assessed values to the percentage
86 22 increase of the other class of property if the other class
86 23 increases less than the allowable limit adjusted to include
86 24 the applicable and current values as equalized by the director
86 25 of revenue, except that any references to six percent in this
86 26 subsection shall be four percent. For valuations established
86 27 as of January 1, 2012, and each assessment year thereafter,
86 28 the percentage of actual value as equalized by the director
86 29 of revenue as provided in section 441.49 at which residential
86 30 property shall be assessed shall be calculated in accordance
86 31 with the methods provided herein including the limitation of
86 32 increases in agricultural and residential assessed values to
86 33 the percentage increase of the other class of property if the
86 34 other class increases less than the allowable limit adjusted to
86 35 include the applicable and current values as equalized by the



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87 1 director of revenue, except that in no assessment year shall
87 2 the percentage of actual value at which residential property is
87 3 assessed be less than fifty percent.

87 4 DIVISION XVIII

87 5 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

87 6 Sec. 168. EFFECTIVE DATE AND RETROACTIVE

87 7 APPLICABILITY. Unless otherwise provided, this Act, if

87 8 approved by the governor on or after July 1, 2011, takes effect

87 9 upon enactment and applies retroactively to July 1, 2011.

87 10 EXPLANATION

87 11 This bill relates to state and local finances by providing
87 12 for funding of property tax credits and reimbursements, by
87 13 making, increasing, and reducing appropriations, providing
87 14 for salaries and compensation of state employees, providing
87 15 for matters relating to tax credits, providing for fees and
87 16 penalties, and providing for properly related matters. The
87 17 bill is organized by divisions.

87 18 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2011=2012.

87 19 This division relates to standing appropriations and other

87 20 appropriations=related matters. For the budget process

87 21 applicable to FY 2012=2013, state agencies are required to

87 22 submit estimates and other expenditure information as called

87 23 for by the director of the department of management instead of

87 24 the information required under Code section 8.23.

87 25 This division limits standing appropriations for FY

87 26 2011=2012 made for the following purposes: casino wagering

87 27 tax proceeds allocated for department of cultural affairs

87 28 operational support grants and community cultural grants and

87 29 for regional tourism marketing; the center for congenital

87 30 and inherited disorders; primary and secondary child abuse

87 31 prevention programs; programs for at-risk children; payment

87 32 for nonpublic school transportation; reimbursement for the

87 33 homestead property tax credit and for the family farm and

87 34 agricultural land tax credits; and the enforcement of Code

87 35 chapter 452D relating to tobacco product manufacturers.



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88 1 The standing appropriation in Code section 257.20 of an
88 2 amount necessary to pay instructional support state aid, as
88 3 determined under that Code provision, is replaced with a zero
88 4 appropriation for FY 2011=2012.
88 5 Code section 256.30, relating to educational expenses for
88 6 American Indian children, is amended. Current law requires the
88 7 department of education to provide moneys to pay the expense
88 8 of educating American Indian children residing in the Sac and
88 9 Fox Indian settlement on land held in trust by the secretary of
88 10 the interior of the United States in excess of federal moneys
88 11 paid to the tribal council for educating the American Indian
88 12 children when moneys are appropriated for that purpose. The
88 13 division makes a standing appropriation of \$100,000 from the
88 14 general fund of the state to pay the expenses.
88 15 Code section 257.35 is amended to reduce area education
88 16 agencies' budgets for fiscal year 2011=2012 by \$20 million.
88 17 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2011=2012.
88 18 This division relates to the funding for the fiscal year
88 19 beginning July 1, 2011, of salary increases for appointed
88 20 nonelected officers, employees subject to collective bargaining
88 21 agreements, certain noncontract employees, and board of regents
88 22 employees.
88 23 The division prohibits bonus pay for employees of the
88 24 executive branch except for employees of the state board of
88 25 regents, the judicial branch, and the legislative branch,
88 26 unless the bonus pay is otherwise authorized by law, required
88 27 pursuant to an employment contract entered into before July
88 28 1, 2011, or required pursuant to a collective bargaining
88 29 agreement.
88 30 The salary model administrator is required to work in
88 31 conjunction with the department of management and the
88 32 legislative services agency to analyze, compare, and project
88 33 state salary and benefit information.
88 34 PERFORMANCE OF DUTY. This division provides that the
88 35 source of funding for the payment of expenses authorized by



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89 1 the executive council is the Iowa economic emergency fund and
89 2 then the general fund of the state if the emergency fund is
89 3 insufficient. Current law provides that the source of funding
89 4 is the general fund or the state treasury. Various Code
89 5 provisions involving authorization of payment by the executive
89 6 council are amended as necessary to conform to the change in
89 7 the source of funding.
89 8 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY 2012=2013.
89 9 This division relates to the budget process for FY 2013=2014
89 10 and limits certain standing appropriations for FY 2012=2013.
89 11 The standing appropriation in Code section 257.20 of an
89 12 amount necessary to pay instructional support state aid, as
89 13 determined under that Code provision, is replaced with a zero
89 14 appropriation for FY 2012=2013.
89 15 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY 2012=2013.
89 16 This division relates to funding for FY 2012=2013 of salary
89 17 increases for employees subject to collective bargaining
89 18 agreements and board of regents employees. The division also
89 19 prohibits certain types of bonus pay and makes requirements for
89 20 the salary model administrator.
89 21 CORRECTIVE PROVISIONS. The division makes corrections to
89 22 legislation considered or enacted during the 2011 legislative
89 23 session.
89 24 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. This division
89 25 includes miscellaneous provisions and appropriations.
89 26 The division appropriates moneys to the department of public
89 27 health for FY 2011=2012 for a vision screening program.
89 28 The division appropriates moneys to the department of
89 29 agriculture and land stewardship for FY 2011=2012 for purposes
89 30 of a program for farmers with disabilities.
89 31 The division appropriates moneys to the department
89 32 of cultural affairs for FY 2010=2011 for purposes of the
89 33 battleship Iowa, BB=61. This provision takes effect upon
89 34 enactment.
89 35 An appropriation for FY 2010=2011 is provided to the Iowa



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90 1 finance authority for a grant to a nonprofit organization
90 2 to be used for development of a group home for persons with
90 3 intellectual disabilities or brain injury. This provision
90 4 takes effect upon enactment.
90 5 The division authorizes not more than two additional
90 6 full-time equivalent positions (FTEs) for the investigations
90 7 division of the department of inspections and appeals for
90 8 FY 2011=2012 if Senate File 313 or successor legislation is
90 9 enacted providing for debt setoff or other recovery activities
90 10 for nonpayment of premiums pursuant to Code section 249A.3,
90 11 subsection 2, paragraph "a", subparagraph (1), (relating to a
90 12 special income eligibility group under the Medicaid program)
90 13 or pursuant to Code section 249J.8, subsection 1, (relating to
90 14 the expansion population eligibility group under the IowaCare
90 15 program). The additional FTEs are limited to the extent funded
90 16 through the department of human services.
90 17 The division provides a method for recalculating cost
90 18 per pupil amounts for an area education agency and a school
90 19 district when a school district participating on a contractual
90 20 basis in a special education instructional program operated
90 21 by an area education agency terminates the contract. This
90 22 provision takes effect upon enactment.
90 23 The division establishes a task force on the prevention of
90 24 sexual abuse of children in Iowa. The task force shall develop
90 25 a model policy addressing sexual abuse of children. The task
90 26 force shall make recommendations for reducing child sexual
90 27 abuse in Iowa and in making those recommendations shall gather
90 28 information concerning child sexual abuse throughout the state;
90 29 receive reports and testimony from individuals, state and local
90 30 agencies, community-based organizations, and other public and
90 31 private organizations; create goals for state policy that would
90 32 prevent child sexual abuse; and submit a final report with its
90 33 recommendations to the governor and the general assembly on
90 34 or before January 16, 2012. This provision takes effect upon
90 35 enactment.



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91 1 The division provides that a railroad company which alters
91 2 facilities pursuant to a written agreement with a political
91 3 subdivision with a population or more than 67,800, but less
91 4 than 67,900, according to the 2010 certified federal census,
91 5 to construct a flood mitigation project, shall receive
91 6 certain limitations on liability for any damages caused by the
91 7 alteration due to a flood.

91 8 The division makes inapplicable the limitation on
91 9 expenditures made for office supplies, purchases of equipment,
91 10 office equipment, and equipment noninventory, printing and
91 11 binding, and marketing implemented pursuant to 2011 Iowa
91 12 Acts, House File 45, for FY 2010=2011 to a department or
91 13 agency receiving a supplemental appropriation for FY 2010=2011
91 14 pursuant to 2011 Iowa Acts, Senate File 209. This provision
91 15 takes effect upon enactment and is retroactively applicable to
91 16 the effective date of House File 45 of March 7, 2011.

91 17 The division provides that any computer software developed
91 18 by a county for purposes of election activities is the property
91 19 of the county unless the county sells the rights to the
91 20 software.

91 21 The division provides that certain sections of 2011 Iowa
91 22 Acts, Senate File 205, take effect upon enactment of this bill,
91 23 rather than on July 1, 2011. The affected provisions require
91 24 the department of transportation to waive the certificate
91 25 of title fee and surcharge when ownership of a vehicle is
91 26 transferred from a decedent to the surviving spouse who is
91 27 entitled to ownership of the vehicle under the laws of descent
91 28 or the terms of the decedent's will. The affected provisions
91 29 also provide that, for purposes of calculating the annual
91 30 registration fee of a such a motor vehicle, the term "owner"
91 31 includes a surviving spouse.

91 32 The division amends Code section 80B.6 to add two members to
91 33 the Iowa law enforcement academy council.

91 34 The division amends Code section 256C.5 to reduce the school
91 35 aid formula weighting for the statewide preschool program for



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92 1 four-year-old children from 60 percent to 50 percent of the
92 2 actual enrollment of eligible students. This provision takes
92 3 effect upon enactment, and applies to budget years beginning on
92 4 or after July 1, 2011.

92 5 The division amends Code section 279.51 to expand the manner
92 6 in which grant moneys received from the child development
92 7 coordinating council for programs for at-risk children may be
92 8 used.

92 9 The division amends Code section 303.19A to provide that
92 10 the state historic preservation officer shall only recommend
92 11 that a municipal utility constructing electric distribution
92 12 and transmission facilities for which it is receiving federal
92 13 funding conduct an archeological site survey of its proposed
92 14 route when, based upon a review of existing information on
92 15 historic properties within the area of potential effects of
92 16 the construction, the state historic preservation officer
92 17 has determined that a historic property is likely to exist
92 18 within the proposed route. This provision takes effect upon
92 19 enactment.

92 20 The amendment to Code section 321J.2, subsection 4,
92 21 paragraph b, makes a correction to a criminal penalty provision
92 22 relating to the court's assessment of a mandatory minimum fine
92 23 in a second offense operating-while-intoxicated case to reflect
92 24 previous law in effect through November 30, 2010. Senate File
92 25 431 (2010 Iowa Acts) reorganized criminal penalty, sentencing,
92 26 and related license revocation provisions in Code section
92 27 321J.2.

92 28 The division amends Code section 435A.35 to provide that
92 29 the first \$106,016,400 of revenues generated from the tax on
92 30 cigarettes and from the tax on certain tobacco products are
92 31 credited to the health care trust fund. Currently, the moneys
92 32 are credited to the general fund of the state and appropriated
92 33 annually to the health care trust fund.

92 34 The division amends Code section 466B.31 to add three
92 35 members to the watershed planning advisory council.



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93 1 The division amends Code section 537A.5, as amended by
93 2 2011 Iowa Acts, Senate File 396, section 1, by eliminating
93 3 from the definition of the term "construction contract", as
93 4 it relates to certain indemnity agreements for construction
93 5 contracts, agreements related to the construction,
93 6 alteration, improvement, development, demolition, excavation,
93 7 rehabilitation, maintenance, or repair of highways, roads,
93 8 streets, bridges, tunnels, transportation facilities, and
93 9 airports.

93 10 The division extends the repeal date in Code section
93 11 654.4B from July 1, 2011, to July 1, 2012, for certain notice
93 12 requirements related to acceleration of mortgage indebtedness.
93 13 This provision takes effect upon enactment.

93 14 APPROPRIATION TRANSFERS. This division revises and
93 15 reduces appropriation transfers in lieu of transfers made
93 16 by the executive branch, as reported by the department of
93 17 management on August 27, 2010. A portion of the appropriation
93 18 in 2010 Iowa Acts, chapter 1184, from the rebuild Iowa
93 19 infrastructure fund to the grow Iowa values fund is transferred
93 20 to the department of economic development's Iowans helping
93 21 Iowans business assistance program. Two amounts from the
93 22 appropriation made in 2010 Iowa Acts, chapter 1193, to the
93 23 department of human services for the medical assistance program
93 24 are transferred to the department's unmet needs program and to
93 25 the Iowa finance authority to be used for the Iowans helping
93 26 Iowans housing assistance program. The division takes effect
93 27 upon enactment and is retroactively applicable to August 27,
93 28 2010.

93 29 REORGANIZATION. This division addresses state government
93 30 reorganization.

93 31 New Code section 8.75 requires each department to separately
93 32 track the budget and actual expenditures for contract services
93 33 and for employee training for each appropriation line item.

93 34 New Code section 8A.319 requires the department of
93 35 administrative services to facilitate efficient and



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94 1 cost=effective purchasing for state government by conducting
94 2 certain activities.

94 3 The division requires the department of administrative
94 4 services to consult with the legislative and judicial branches
94 5 and explore opportunities for providing information technology
94 6 services to those branches.

94 7 The division encourages state agencies to utilize electronic
94 8 mail or similar electronic means for license or permit
94 9 notification purposes.

94 10 The division requires state agencies to budget for and
94 11 plan to conduct lean projects. The division encourages state
94 12 agencies to share resources and services.

94 13 The division requires each joint appropriations subcommittee
94 14 of the general assembly to annually examine and review the fees
94 15 charged by state agencies.

94 16 The division requires the department of administrative
94 17 services, in consultation with the department of management,
94 18 to examine the state personnel hiring process with the goal of
94 19 simplifying and reducing the steps needed for state agencies
94 20 to hire personnel.

94 21 The division includes requirements for compliance checks of
94 22 licensed retail tobacco outlets.

94 23 The division requires the department of administrative
94 24 services to examine the possibility of merging all state
94 25 payroll systems into the centralized payroll system.

94 26 The division requires the department of administrative
94 27 services to implement to the greatest extent possible a payroll
94 28 system paying state employees on a semimonthly basis.

94 29 MEDICATION THERAPY MANAGEMENT. This division amends the
94 30 pilot program for medication therapy management implemented
94 31 on July 1, 2010, for eligible state employees, extending
94 32 the contract under the program for an additional year. The
94 33 division transfers funds to the department of administrative
94 34 services for the purpose of the program. The division takes
94 35 effect upon enactment.



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95 1 EARNED INCOME TAX CREDIT. This division increases the
95 2 amount of the state earned income tax credit. Currently, the
95 3 credit is equal to 7 percent of the amount of a taxpayer's
95 4 federal earned income tax credit. The division increases the
95 5 amount of the credit to 10 percent.
95 6 The division applies retroactively to January 1, 2011, for
95 7 tax years beginning on or after that date.
95 8 ALLOWABLE GROWTH. This division establishes a state percent
95 9 growth of 3 percent for purposes of the state school foundation
95 10 program for the school budget year beginning July 1, 2012. The
95 11 division establishes a categorical state percent of growth
95 12 of 3 percent for purposes of the state school foundation
95 13 program for the school budget year beginning July 1, 2012. The
95 14 categorical state percent of growth includes the teacher salary
95 15 supplement, the professional development supplement, and the
95 16 early intervention supplement. The division is applicable for
95 17 computing state aid under the state school foundation program
95 18 for the school budget year beginning July 1, 2012.
95 19 WITHHOLDING AGREEMENTS. This division amends the terms
95 20 "employer" and "targeted job" related to withholding agreements
95 21 between a pilot project city and an employer concerning a
95 22 targeted jobs withholding credit authorized under Code section
95 23 403.19A. Currently the terms only relate to new or created
95 24 jobs. The division adds retained jobs to both terms.
95 25 SCHOOL EMPLOYEE MISCONDUCT. This division makes changes
95 26 relating to misconduct by a school employee and provides for
95 27 the related duties and responsibilities of certain other
95 28 persons, accredited public and private schools, area education
95 29 agencies, and the board of educational examiners.
95 30 The division directs the board of educational examiners
95 31 to provide annually to any person who holds a license,
95 32 certificate, authorization, or statement of recognition
95 33 issued by the board, training relating to the knowledge and
95 34 understanding of the board's code of professional conduct and
95 35 ethics. The board shall develop a curriculum that addresses



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96 1 the code of professional conduct and ethics and shall annually
96 2 provide regional training opportunities throughout the state.

96 3 The division authorizes the board to deny a license or
96 4 revoke the license of an administrator if the board finds by
96 5 a preponderance of evidence that the administrator failed to
96 6 report the termination or resignation of a school employee
96 7 holding a license, certificate, statement of professional
96 8 recognition, or coaching authorization, for reasons of alleged
96 9 misconduct or actual misconduct.

96 10 The division also requires a school board and the
96 11 authorities in charge of an accredited nonpublic school to
96 12 place on administrative leave a school employee who is the
96 13 subject of an investigation of an alleged incident of abuse of
96 14 a student. If the results of the investigation of a school
96 15 employee who holds a license, certificate, authorization, or
96 16 statement of recognition issued by the board of educational
96 17 examiners find that the school employee's conduct constitutes a
96 18 crime under any other statute, the school board shall report
96 19 the results of the investigation to the board of educational
96 20 examiners.

96 21 The division provides civil and criminal immunity to an
96 22 employee of a school district, an accredited nonpublic school,
96 23 or an area education agency who participates in good faith and
96 24 acts reasonably in the making of a report to, or investigation
96 25 by, an appropriate person or agency regarding physical or
96 26 sexual abuse of a student.

96 27 BUSINESS PROPERTY TAX CREDITS. This division of the bill
96 28 creates a business property tax credit under new Code chapter
96 29 426C for property taxes due and payable in fiscal years
96 30 beginning on or after July 1, 2012.

96 31 The division establishes a business property tax credit
96 32 fund. For the fiscal year beginning July 1, 2012, the
96 33 division appropriates from the general fund of the state to the
96 34 department of revenue for deposit in the fund, \$50 million.
96 35 For the fiscal year beginning July 1, 2013, and each fiscal



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97 1 year thereafter, the division appropriates from the general
97 2 fund of the state to the department of revenue for deposit
97 3 in the fund an amount equal to the total amount appropriated
97 4 by the general assembly to the fund in the previous fiscal
97 5 year. In addition, for fiscal years beginning on or after
97 6 July 1, 2013, the division appropriates an additional sum of
97 7 \$50 million to the fund if the revenue estimating conference
97 8 certifies that the total amount of general fund revenues
97 9 has grown by at least 4 percent as compared to the previous
97 10 fiscal year. The division provides, however, that the total
97 11 appropriation to the fund shall not exceed \$200 million in any
97 12 one fiscal year. Under the division, interest or earnings on
97 13 moneys deposited in the fund are credited to the fund, moneys
97 14 in the fund are not subject to the provisions of Code section
97 15 8.33, and moneys in the fund shall not be transferred, used,
97 16 obligated, appropriated, or otherwise encumbered except as
97 17 provided in new Code chapter 426C.

97 18 The division provides that each person who wishes to claim
97 19 a business property tax credit shall obtain the appropriate
97 20 forms from the assessor and file the claim with the assessor.
97 21 The director of revenue is required to prescribe suitable
97 22 forms and instructions for such claims, and make such forms
97 23 and instructions available to the assessors. The assessor
97 24 is required to remit the claims for credit to the county
97 25 auditor with the assessor's recommendation for allowance
97 26 or disallowance. If the assessor recommends disallowance
97 27 of a claim, the assessor shall submit the reasons for the
97 28 recommendation, in writing, to the county auditor. The county
97 29 auditor then forwards the claims to the board of supervisors.
97 30 The board is required to allow or disallow the claims. If
97 31 the board of supervisors disallows a claim for a credit, the
97 32 board of supervisors is required to send written notice, by
97 33 mail, to the claimant and the notice must state the reasons for
97 34 disallowing the claim for the credit. Any person whose claim
97 35 for credit is denied may appeal from the action of the board of



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98 1 supervisors to the district court of the county in which the
98 2 parcel or property unit is located.
98 3 Claims for the business property tax credit must be filed
98 4 not later than March 15 preceding the fiscal year during which
98 5 the property taxes for which the credit is claimed are due
98 6 and payable. However, the deadline for filing claims against
98 7 property taxes due and payable in the fiscal year beginning
98 8 July 1, 2012, is January 15, 2012.
98 9 Upon the filing of a claim and allowance of a business
98 10 property tax credit, the credit is allowed on the parcel or
98 11 property unit for successive years without further filing as
98 12 long as the parcel or property unit satisfies the requirements
98 13 for the credit. The owner is required to provide written
98 14 notice to the assessor when the parcel or property unit ceases
98 15 to qualify for the credit. The division requires the assessor
98 16 to maintain a permanent file of current credits and also
98 17 specifies certain requirements for parcel or property unit
98 18 owners, assessors, and county recorders when all or a portion
98 19 of such parcels or property units are sold, transferred, or
98 20 ownership otherwise changes.
98 21 Under the division, each parcel classified and taxed
98 22 as commercial property, industrial property, or railway
98 23 property under Code chapter 434, and improved with permanent
98 24 construction, is eligible for a business property tax credit.
98 25 A person may claim and receive one credit for each eligible
98 26 parcel unless the parcel is part of a property unit. The
98 27 division defines "property unit" to mean contiguous parcels
98 28 located within the same county, with the same property tax
98 29 classification, each containing permanent improvements, owned
98 30 by the same person, and operated by that person for a common
98 31 use and purpose. A person may only claim and receive one
98 32 tax credit for each property unit. A credit approved for a
98 33 property unit is allocated to the several parcels within the
98 34 property unit in the proportion that each parcel's property
98 35 tax liability on improvements bears to the total property tax



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99 1 liability on improvements for the property unit. Only those
99 2 property units comprised of commercial property, comprised of
99 3 industrial property, or comprised of railway property under
99 4 Code chapter 434 are eligible for a credit.
99 5 The division provides that all claims for credit which
99 6 have been allowed, the actual value of the improvements to
99 7 the applicable parcels and property units that are subject to
99 8 assessment and taxation, the consolidated levy rates or average
99 9 consolidated levy rates for such parcels and property units
99 10 applicable to the fiscal year for which the credit is claimed,
99 11 and the taxing districts in which each parcel or property unit
99 12 is located, shall be certified on or before June 15, in each
99 13 year, by the county auditor to the department of revenue.
99 14 The division provides that using the actual value of
99 15 the improvements and the consolidated levy rate or average
99 16 consolidated levy rate for each parcel or property unit, as
99 17 certified by the county auditor, the department is required to
99 18 calculate, for each fiscal year, an initial amount of actual
99 19 value of improvements for use in determining the amount of
99 20 the credit for each approved parcel or property unit so as to
99 21 provide the maximum possible credit according to the credit
99 22 formula and limitations in the division, and to provide a
99 23 total dollar amount of credits in the fiscal year equal to 98
99 24 percent of the moneys in the business property tax credit fund
99 25 following the deposit of the total appropriation for the fiscal
99 26 year.
99 27 The credit for each parcel or property unit for which a
99 28 claim for a business property tax credit has been approved is
99 29 calculated using the lesser of the initial amount of actual
99 30 value of the improvements determined by the department for
99 31 the fiscal year and the actual value of improvements to the
99 32 parcel or property unit as certified to the department of
99 33 revenue. The amount of the credit for each parcel or property
99 34 unit is then calculated by multiplying the lesser amount of
99 35 actual value, so determined, by the difference, stated as



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100 1 a percentage, between the assessment limitation applicable
100 2 to the parcel or property unit under Code section 441.21(5)
100 3 (commercial, industrial, and railway property rollback) and the
100 4 assessment limitation applicable to residential property under
100 5 Code section 441.21(4) (residential property rollback), divided
100 6 by \$1,000, and then multiplied by the consolidated levy rate
100 7 or average consolidated levy rate per \$1,000 of taxable value
100 8 applicable to the parcel or property unit for the fiscal year
100 9 for which the credit is claimed.

100 10 The division specifies the procedures for the payment of
100 11 the amount of the business property tax credits to the county
100 12 treasurers and the resulting apportionment to the applicable
100 13 taxing districts. The division also specifies the requirements
100 14 and procedures for an appeal of a denial of a claim for
100 15 credit, specifies the requirements and procedures for an audit
100 16 of a business property tax credit allowed, and specifies
100 17 requirements relating to the collection of property taxes
100 18 due as the result of an incorrectly calculated or improperly
100 19 approved credit.

100 20 The division provides that a person who makes a false claim
100 21 for the purpose of obtaining a business property tax credit
100 22 or who knowingly receives the credit without being legally
100 23 entitled to it is guilty of a fraudulent practice and is
100 24 subject to a criminal penalty.

100 25 The division applies to property taxes due and payable in
100 26 fiscal years beginning on or after July 1, 2012.

100 27 COUNTY AND CITY BUDGET LIMITATION. This division removes
100 28 the property tax levy rate limitations on the general and rural
100 29 services funds for counties and on the general fund for cities
100 30 and substitutes a limitation on the maximum amount of property
100 31 tax dollars that may be certified for expenditure by a county
100 32 or city for budget years beginning on or after July 1, 2013.
100 33 For the budget year beginning July 1, 2013, and subsequent
100 34 budget years, the maximum amount of property tax dollars which
100 35 may be certified for levy shall be an amount equal to the



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101 1 sum of the current fiscal year's total property tax dollars
101 2 certified by the applicable city or county multiplied by the
101 3 annual growth factor, as defined in the division, the amount
101 4 of net new valuation taxes, as defined in the division, and
101 5 certain unfunded state or federal mandate costs, as defined in
101 6 the division. The bill does not, however, modify a county's
101 7 ability to certify a supplemental levy for certain purposes
101 8 specified in Code section 331.424. The bill specifies the
101 9 various levies and funds that are subject to the maximum dollar
101 10 limitation.

101 11 The division also allows counties and cities to certify
101 12 additions to the maximum amount of property tax dollars to be
101 13 levied for a budget year if the city or county has conducted a
101 14 second public hearing on the budget. The division specifies
101 15 that such additional amounts are not to be included in the
101 16 computation of the maximum amount of property tax dollars for
101 17 future budget years.

101 18 The division specifies certain requirements for ending fund
101 19 balances for counties and cities. The division provides that
101 20 budgeted ending fund balances for a budget year in excess of 25
101 21 percent of budgeted expenditures shall be explicitly committed
101 22 or assigned for a specific purpose.

101 23 Under the division, counties and cities are encouraged, but
101 24 not required, to reduce budgeted, uncommitted, or unassigned
101 25 ending fund balances for the budget year to an amount equal
101 26 to approximately 25 percent of budgeted expenditures for that
101 27 budget year unless a decision is certified by the state appeal
101 28 board ordering a reduction in the ending fund balance of any of
101 29 those funds. The county or city, as applicable, has the burden
101 30 of proving that the budgeted balances in excess of 25 percent
101 31 are reasonably likely to be appropriated for the explicitly
101 32 committed or assigned specific purpose.

101 33 The division also allows for additional property taxes to
101 34 be levied in certain fiscal years for those counties or cities
101 35 that have, as of June 30, 2012, reduced their actual ending



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102 1 fund balance to less than 25 percent of actual expenditures.
102 2 Such additional property tax dollars authorized but not levied
102 3 may be carried forward as unused ending fund balance taxing
102 4 authority until and for the fiscal year beginning July 1, 2018.
102 5 However, the amount carried forward shall not exceed 25 percent
102 6 of the maximum amount of property tax dollars available in the
102 7 current fiscal year. The amount of such additional property
102 8 taxes levied shall not, however, be included in the computation
102 9 of the maximum amount of property tax dollars which may be
102 10 certified and levied in future budget years.
102 11 The division also makes conforming amendments to other
102 12 provisions of the Code.
102 13 The division takes effect July 1, 2012, and applies to fiscal
102 14 years beginning on or after July 1, 2013.
102 15 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION. This division
102 16 provides that for valuations established as of January 1,
102 17 2012, and each assessment year thereafter, the percentage of
102 18 actual value at which residential property is assessed shall
102 19 be calculated in accordance with the methods provided in Code
102 20 section 441.21, except that in no assessment year shall the
102 21 percentage of actual value at which residential property is
102 22 assessed be less than 50 percent.
102 23 RETROACTIVE APPLICABILITY. Unless otherwise provided, the
102 24 bill, if approved by the governor after July 1, 2011, applies
102 25 retroactively to July 1, 2011.
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